



March 18, 2022

VIA ELECTRONIC MAIL

Dr. Lee D. Lambert, Chancellor  
Pima County Community College District  
4905C E. Broadway Blvd.  
Tucson, AZ 85709-1005

Dear Chancellor Lambert:

This letter is to inform you that the Higher Learning Commission (HLC or “the Commission”) recently received two complaints regarding Pima County Community College District (“the institution”). In accordance with HLC Policy COMM.A.10.030, Complaints and Other Information Regarding Member Institutions, HLC initially reviewed the complaints to determine whether they suggested potential substantive non-compliance with the institution’s ability to meet the Criteria for Accreditation or other HLC requirements.

Based on that initial review, HLC determined that the underlying matters raised in these two complaints involve similar circumstances and allegations as those contained in the earlier complaints submitted to HLC on June 30, 2021, August 4, 2021, and August 18, 2021. As you are aware, upon initial review of those complaints, HLC determined that they raised potential concerns regarding the institution’s compliance with the Criteria for Accreditation, as noted in the letters sent by HLC on July 7, 2021, and September 2, 2021.

Further, as noted in the September 2, 2021 letter, based on HLC’s review of the institution’s response to the initial complaint, HLC recommended that the institution be scheduled to host a Focused Visit related to Core Component 2.C. This Focused Visit was recommended based on the determination that concerns regarding the institutions’ compliance with the Core Component remained following review of the institution’s response to initial complaint. Following approval of the recommendation by the Institutional Actions Council, the Focused Visit was scheduled to occur on March 28, 2022.

Because the two complaints subsequently received by HLC do not raise additional concerns of noncompliance beyond Core Component 2.C, further standalone review of the complaints will not be conducted at this time. Therefore, the institution does not need to prepare a separate response to these complaints. Instead, the complaints will be provided to the peer review team that is scheduled to conduct the Focused Visit for consideration as part of the evaluative process.

As a reminder, under HLC policy, the peer review team may add additional areas of focus beyond Core Component 2.C in its discretion based on its review of the evaluative materials, including the

Chancellor Lambert, March 18, 2022 2

institution's report and the complaints received, as well as any information that arises during the review process. Any findings made by the peer review team will rest on the available evidence.

Thank you for your cooperation. If you have any questions regarding this letter, please contact your HLC Staff Liaison, Dr. Linnea Stenson.

Sincerely,



Robert Rucker  
Manager of Compliance and Complex Evaluations

Enc: Complaints

CC: Bruce Moses, Vice Chancellor Educational Services and Institutional Integrity, Pima County  
Community College District  
Linnea A. Stenson, Vice President of Accreditation Relations, Higher Learning Commission

**Subject:** Complaint Submitted  
**Date:** Friday, March 11, 2022 at 4:39:56 PM Central Standard Time  
**From:** Luis L. Gonzales <District5@pima.edu>  
**To:** Complaints <complaints@hlcommission.org>  
**Attachments:** 622bcfbc28ba9-LG Bar Complaint Final.pdf

**CAUTION:** This email originated from outside of the organization.

**Contact Information**

First name: Luis L.

Last name: Gonzales

Email address: District5@pima.edu

Phone number: [REDACTED]

Street address: [REDACTED]

City: Tucson

State: AZ

ZIP code: [REDACTED]

Complainant type: Other Board Member District 5

Current or former, if applicable:

Date of last attendance/employment, if applicable:

Program of study, if applicable:

Degree program level, if applicable:

Referred by: Other Within scope of board membership

**Complaint Details**

Institution: 1012 - Pima County Community College District - AZ

Date that matter of complaint occurred: 03/11/2022

Circumstances leading to complaint:

See attached and please add to my previous complaint and forward to Focus Visit Team.

Attempted to file a complaint with the institution: No

Description, if yes:

Attempted to address issue outside of institution: Yes

Description, if yes: See attached complaint to Arizona State Bar

## **Release of Information and Acknowledgment of Complaints Policy and Process**

I authorize HLC to contact me using the information provided in this form. I understand that communications from HLC regarding my complaint will generally be by email, with such correspondence addressed from [complaints@hlcommission.org](mailto:complaints@hlcommission.org).

I authorize HLC to submit a copy of the complaint and supporting materials to the above-named institution and/or other external parties. I authorize the institution to disclose education record information, personnel information and/or other information related to me to HLC or other external parties for the purpose of responding to this complaint. I understand that if I intend to revoke this authorization, I must notify the institution of this decision in writing.

I understand and acknowledge the HLC complaint policy, process, and requirements as described above. I certify that my complaint falls within the requirements as described. I certify that the information I have provided is complete, true and accurate to the best of my knowledge and belief.

October 12, 2021

State Bar of Arizona  
4201 N. 24th Street Suite 100  
Phoenix, AZ 85016-6266

Tucson Office:  
270 N Church Ave,  
Tucson, AZ 85701

Re: Complaint against Jeffrey S. Silvyn

My name is Luis L. Gonzales I am a member of the Pima County Community College District Board of Governors, representing District 5 (see attached brief bio). I was duly elected to the Board of Governors in November of 2018 and sworn into office in January 2019. This formal complaint is being submitted in my capacity as an Arizona elected public official. I am not an attorney and have a layman's understanding of the law. The complaint is against Jeffrey Silvyn, the college's general counsel. I assert that he has committed multiple violations of State Bar of Arizona Rule 42 (Ariz.R.S.CT). Ms. Maria Garcia, board member for District 3, witnessed some of Mr. Silvyn's action described in this complaint.

His actions as the college's general counsel are similar to those cited by the Office of the Inspector General, United States Department of the Interior in 2012 when he served as general counsel for the Morris K. Udall and Steward L. Udall Foundation. Mr. Silvyn's practice of law indicates that the infractions detailed in this complaint are not reflective of a lawyer with his length of service. I expect that the State Bar of Arizona will thoroughly investigate the allegations contained herein and take appropriate action.



Luis L. Gonzales, Pima Community College, Board of Governors, District 5

## BRIEF BIO OF LUIS L. GONZALES

I was born in Guadalupe, Arizona, a Mexican/Yaqui community and one of this state's oldest settlements. My parents did not complete elementary school. Yaqui was the native tongue of my mother, and Yaqui is my first language. I am member of the Pascua Yaqui Tribe of Arizona. My people have lived on this land from time immemorial; our roots are deep in this land. I was elected to Pascua Yaqui Tribal Council in 2000, and served for twelve years. I earned a Bachelors' degree in education from the University of Arizona. Before I was elected to the Tribal Council, I developed and expanded the Pascua Yaqui Scholarship Program including co-administration of federal financial aid programs. I worked in partnership with the Bureau of Indian Affairs to manage funds that it provided for post-secondary education for tribal members. I worked closely with Pima Community College to conduct classes on the reservation. I have five daughters, three are educators; two graduated from Arizona State University, and one from the University of Arizona. One daughter worked for Arizona State University and two daughters work for the tribe. One of my daughters works for the tribe as a teacher in preschool, and is pursuing a masters' in education. My youngest daughter was elected to the tribal council in 2020 and currently serves as co-chair for the tribal council's education oversight committee. There are five educators in our immediate family. One of my children attended PCC, and is an LPN who is seeking her RN. Another of my daughters attended PCC and now works for the Tribe. I am the grandparent of 27 grandchildren, which compels me to advocate for their educational opportunities as well for all the citizens of Pima County. There is an old saying: "la educacion es la llave para superarce", or "education is the key to self-improvement." I joined the Board with my colleague Ms. Garcia and like her, I spent my first two years on the Board learning and actively engaged in my role in addressing campus governance challenges.

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## COMPLAINT

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### I. STATEMENT OF FACTS

Lawyers holding public office assume legal responsibilities going beyond those of other citizens. A lawyer's abuse of public office can suggest an inability to fulfill the professional role of attorney. Rule 42, Ariz.R.S.Ct. ER 8.4. Comment [Amended Effective DEC. 1, 2002].

#### 1. COMPLAINANT

Luis L. Gonzales (hereafter Complainant) is a member of the Pima County Community College District (the college) Board of Governors representing District 5. He was duly elected to the Board of Governors in November of 2018 and was sworn into office in January 2019.

#### 2. FACTS

Complainant submits that attorney Jeffrey S. Silvyn has engaged in multiple violations of the Rules of the Supreme Court of Arizona, V. Regulation of the Practice of Law, D. Lawyer Obligations, Rule 42 Arizona Rules of Professional Conduct.

1. The Pima County Community College District identifies Jeffrey Silvyn as its General Counsel.<sup>1</sup> Mr. Silvyn was admitted to practice law by the State Bar of Arizona on May 15, 1993. The State Bar of Arizona website page for Mr. Silvyn lists 92 areas of practice.<sup>2</sup> Those areas of practice pertinent to this complaint include: Public Officials Liability, State Government Law, Government Immunity, Governmental Liability, Local Government Civil Rights, Government Ethics, and Government Investigations.
2. Pima County Community College District is an Arizona public community college. Pima Community College is a public educational institution with six locations in the Tucson, Arizona metropolitan area that offers post-secondary school certificates and associate's

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<sup>1</sup> His contact information on the State Bar of Arizona website lists Pima Community College.

<sup>2</sup> <https://azbar.legalserviceslink.com/attorneys-view/JeffreySSilvyn>.

degrees in a variety of educational fields. Lee Lambert has served as the college's Chancellor since July 1, 2013.

3. *A.R.S. § 15-1444 (A-G)* sets forth the general powers and duties of district governing boards of Arizona community colleges. The formal name of the college's governing board is the *Board of Governors*. The Bylaws of the college's Board of Governors acknowledge that it is the highest authority for the college, "...that can act on behalf of the organization as determined by applicable law." *Rule 42, Ariz. R.S.Ct.*, ER 1.13. (b).

The Governing Board (the "Board") of the Pima County Community College District (the "College") is the *legally constituted and final authority for the operation of the College* (emphasis added). (*PCC Governing Board Bylaws*, Authority, Article Number: I).

4. As the policy making body for the college, the board adopts policies pursuant to *A.R.S. §15-1444 (A)(2)*. Board of Governors' policy clearly states that it is the final authority of the college.

The Pima County Community College District Governing Board is the governing entity of the Pima County Community College District. In this role, the Governing Board retains authority to enact, rescind or modify all policies governing the District (BP.1.01).<sup>3</sup>

5. Silvyn served as general counsel for the Morris K. Udall and Steward L. Udall Foundation. The inspector general's report found fault with his legal advice. This is documented in a report titled, *Audit of the Stewardship of the Morris K. Udall and Steward L. Udall Foundation (Project Number: ZZ-IN-OSS-0011-2012) as of November 7, 2012*.

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<sup>3</sup> In an action brought by employees against PCC, the college argued to the court, "Defendants [the college] claim that *the governing board is the only decision maker* that can be held liable (emphasis added)." *Cuyugan, v. Pima Community College District*, No. CV-15-00260-TUC-RCC), 7. In *Katz* the court found, "It appears to the Court, and Defendants do not deny, that the *Board of Governors is the policy-making authority* for appointment of teachers and that rescission of approval to offer a new contract was an action of the policy-making authority."

## II. BACKGROUND

Beginning on or about February 2019 through its publication on October 15, 2019, college employees developed the *Request for Proposal Comprehensive, Integrated Energy Management Program* (Proposal No. P20/10015, 10/11/2019). On October 15, 2019 the Energy Management RFP was issued. Six firms responded and a selection committee headed by Greg Wilson, Dean, Applied Technology, reviewed the proposals and Trane was selected. Ameresco, the second highest scoring firm, filed a bid protest that was denied by the College.

During the summer of 2020, a District 5 constituent informed Complainant that Lee Lambert, Chancellor of Pima Community College (Chancellor Lambert) was serving on the Board of Directors of the National Coalition of Certification Centers (NC3), with Mr. Patrick Archambault, who is employed by Trane as an Education Program Manager. Complainant had not been provided this information in his official capacity. He verified the information concerning Chancellor Lambert at NC3's website. Constituent expressed concerns that there was the appearance of a conflict of interest. Complainant later became aware that Trane had responded to the Energy Management RFP cited above and had been awarded a contract.

Constituent stated that Chancellor Lambert was identified as the "founding" chair of the Unmudl Steering Council. Unmudl is a wholly owned product of Social Tech, Inc., and Social Tech.ai, 2121 Lohman's Crossing Road, Suite 504336, Austin, TX 78734, a "for profit" business registered in Texas. Constituent provided two news articles, one published in Inside Higher Education (October 16, 2019) entitled, *Clarifying a Muddled Career Training Landscape*. The second, in Business Insider (Oct. 14, 2019) entitled, *Forward Thinking Community Colleges Become Founding Members of First Global Work+Learn Marketplace*. These articles state that Pima Community College has a relationship with Unmudl.

Chancellor Lambert had not disclosed that he was serving as the chair of the Unmudl Steering Council to the board. Complainant and Ms. Garcia discussed this matter and were concerned that there was the appearance of a conflict of interest. Ms. Garcia asked Chancellor Lambert in a public meeting if he was serving as the chair of the Unmudl Steering Council, and he answered in the affirmative. She requested information concerning the college's relationship and participation with Unmudl. Information obtained confirmed that Chancellor Lambert was the chair of the Unmudl Steering Council and that an MOU had been executed with Social Tech Inc. Complainant subsequently learned that a payment had been made to Social Tech.ai in the amount of \$25,000.

On or about the fall of 2020, a constituent submitted a public records request (FOIA) to the college and obtained approximately 500 emails. He provided this information to Ms. Garcia. He also provided complainant with a small number of the emails he had obtained from college. Complainant asked that constituent's concerns be submitted in writing. Complainant had no prior knowledge of these emails. He had not been provided any information in his capacity as a member of the board. Chancellor Lambert's involvement with firms that had been awarded contracts had not been properly disclosed to the board.

These facts emerged from the emails: (a) a Trane employee and a number of the institution's employees had exchanged approximately 190 emails, (b) approximately 90 of these emails had been exchanged with the college employee who was selected to lead the team that would review the proposals submitted in response to the solicitation.

The extensive communications between employees of Trane and the college during the development and selection process of the Energy Management RFP was not disclosed to the board. The failure to timely disclose material information denied the board the ability to make

an informed decision. When complainant voted to approve the \$200,000 energy audit, Chancellor Lambert's connection to Trane through the NC3 board had not been disclosed.

The following facts were not disclosed to the board: (a) Mr. Patrick Archambault of Trane and Chancellor Lambert were serving on the NC3 Board; (b) Trane is the sole energy industry partner of NC3; (c) detail and extent of emails between Trane and college employees prior to the development of the Energy Management RFP; (d) detail and extent of emails between Trane employees and college employees leading to the removal of Mr. Ward from the development of Energy Management RFP; (e) Chancellor Lambert's exchange of emails with Trane employees prior to the development of the Energy Management RFP.

Mr. Silvyn, the college's general counsel informed the board that no financial benefit had been found and Chancellor Lambert's behavior was appropriate. Mr. Silvyn did not find the appearance of an ethical conflict of interest arising from Chancellor Lambert's involvement with two firms that had been awarded contracts by the college.

Complainant states that the evidence he reviewed eroded his trust in Chancellor Lambert and Mr. Silvyn. Mr. Silvyn's behavior at this time strengthened Complainant's doubts in his impartiality and in the accuracy of the legal advice he provided to the board. Ms. Garcia and Complainant raised legitimate questions as to what had transpired in the development of the Energy Management RFP. Mr. Silvyn began to threaten Ms. Garcia and Complainant when they asked questions or raised concerns regarding the appearance of a conflict interest. Mr. Silvyn became defensive when we did not accept his interpretation of ethical behavior. Mr. Silvyn is unwilling to provide sufficient information to allow board members to fully understand his advice and becomes defensive when questions are asked.

Complainant has observed Mr. Silvyn's continuous bullying and intimidation of Ms. Garcia. Complainant submits that Mr. Silvyn discriminates against Ms. Garcia because she is a woman of Mexican American heritage. See: *Title VII of the Civil Rights Act of 1964* (Title VII). Apparently he thought that a Mexican American woman was an easier target. Complainant does not make this claim lightly or without knowledge that a perpetrator always has a million justifications for their behavior. As a member of the Pascua Yaqui Tribe of Arizona, Complainant has experienced and witnessed enough of this behavior to immediately recognize it. Throughout Complainant's tenure on the Board of Governors, Mr. Silvyn has consistently engaged in behavior that does not maintain the integrity of the profession. *Rule 42, Ariz.R.S.Ct. ER. (8)*.

### III. CONFLICT OF INTEREST

Lawyers holding public office assume legal responsibilities going beyond those of other citizens. A lawyer's abuse of public office can suggest an inability to fulfill the professional role of attorney. *Rule 42, Ariz. R.S. Ct., ER 8.4. Comment [Amended Effective DEC. 1, 2002]*.

Mr. Silvyn is an *at-will employee* who reports to Chancellor Lambert under an administrative contract. He is listed on the College's website as General Counsel. *Rule 42, Ariz. R.S. Ct., ER 1.13 (a)*. Chancellor Lambert is Mr. Silvyn's immediate supervisor. The college's website identifies Mr. Silvyn as working in the Office of the Chancellor.<sup>4</sup> When Mr. Silvyn provides legal advice to the board, it is at the direction of Chancellor Lambert. *This is a prima facie conflict of interest. Rule 42, Ariz. R.S. Ct., ER 1.7 (a)(1)*.

According to Mr. Silvyn, in the college's legal model, he has no conflict of interest and has steadfastly refused to recuse himself from *any issue*. Complainant submits that the board of an Arizona public body has no independent legal counsel unless authorized by an employee,

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<sup>4</sup> <https://www.pima.edu/about-pima/leadership-policies/college-organization/college-administrators.html>.

Chancellor Lambert. Ms. Garcia and Complainant are on record pointing out Mr. Silvyn's conflict of interest and have requested independent counsel to no avail.

In recent months Mr. Silvyn has defended Chancellor Lambert against allegation of misconduct. *Id.* at (a)(1). Chancellor Lambert is the sole employee of the board. Mr. Silvyn's loyalty and independent judgment are to his immediate supervisor, and not to the board, which is the highest authority that can act on behalf of the organization as determined by applicable law. *Rule 42, Ariz. R.S. Ct.*, ER 1.13. (b). Mr. Silvyn's behavior prevents members of the board from fulfilling their oversight duties. *Rule 42, Ariz. R.S. Ct.*, ER 1.7. (a)(2).

In effect, Mr. Silvyn represents Chancellor Lambert's interests instead of representing the institution's best interest through the board, the *legally constituted and final authority for the operation of the College*.<sup>5</sup> Mr. Silvyn's behavior has undermined the trust that is an essential element in the lawyer's relationship to a client. Mr. Silvyn's concurrent conflicts of interest arise from his contractual responsibilities to Chancellor Lambert, his affirmative obligation to inform the board of his professional conflict of interest, and from the property interest in his position. Mr. Silvyn's actions confirm that he views Chancellor Lambert as his client. He has consistently asserted that he has no conflict of interest regarding his representation of Chancellor Lambert and the board. His actions demonstrate that his sole motivation is to protect Chancellor Lambert and not the organization. *Rule 42, Ariz. R.S. Ct.*, ER 1.13. (b). His professional obligation is to recuse himself when a conflict between the board and Chancellor Lambert arises. *Rule 42, Ariz. R.S. Ct.*, ER 1.7. (a).

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<sup>5</sup> "...the lawyer shall refer the matter to higher authority in the organization, including, if warranted by the circumstances, to the *highest authority that can act on behalf of the organization as determined by applicable law* (emphasis added)." *Rule 42, A.R.S. Sup.Ct.*, ER 1.13. (b).

Mr. Silvyn has failed to disclose to the board his obvious conflict of interest; hence, the board had no opportunity to formally consent to his continuing conflict. *Rule 42, Ariz. R.S. Ct.*, ER 1.7. (a)(2). Mr. Silvyn recognizes Chancellor Lambert as his client, therefore, he is obligated to not reveal information relating to his representation of Chancellor Lambert to the board. This requires that he recuse himself from giving legal advice to the board, as he cannot preserve the attorney-client privilege obligation he has to the board. *Id.* at (a)(2). Mr. Silvyn represents the institution; therefore, as the board is “the governing entity” and “[the] legally constituted and final authority for the operation of the College,” he is ultimately responsible to the board. *Rule 42, Ariz. R.S. Ct.*, ER 1.13. (b).

Mr. Silvyn has repeatedly taken actions without informing the board or obtaining its consent. Current members of the college’s board are not attorneys and do not hold Juris Doctorates. Mr. Silvyn has consistently failed to explain matters to the extent reasonably necessary to permit *all members of the board*, who are non-attorney clients, to make informed decisions regarding the representation. *Rule 42, Ariz. R.S. Ct.*, ER 1.4. (b).

Mr. Silvyn’s representation of Chancellor Lambert may be directly adverse to the interests of the board. Complainant has not observed a single case in which Mr. Silvyn has recused himself from providing legal advice to the board. Mr. Silvyn’s representation of Chancellor Lambert is directly adverse to the interests of the board. *Rule 42, Ariz. R.S. Ct.*, E.R. 1.7. (a)(1).

Mr. Silvyn acts as if he has authority independent of the board, and consistently fails to consult this client (the board) or obtain approval of a majority before taking action. *Rule 42, Ariz. R.S. Ct.*, ER 1.4. (a)(1).

Mr. Silvyn was scheduled to assist the board in reviewing its Bylaws. His behavior is so egregious that Ms. Garcia and Complainant informed him that *we no longer had confidence in his legal advice*. In fact, because of our concerns about Mr. Silvyn, the board took appropriate action to engage an outside attorney to review and modify the Board of Governors' Bylaws.

#### IV. THREATS AGAINST MEMBERS OF THE BOARD

Rule 42, Ariz. R.S. Ct., ER 4.4. (a) In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden any other person, or use methods of obtaining evidence that violate the legal rights of such a person.

Mr. Silvyn threatened Ms. Garcia and Complainant at a meeting of the Board of Governors on or about April of 2021. At this meeting Mr. Silvyn stated that Ms. Garcia and Complainant could face legal action for any statements we made at a public meeting of the board about the controversial Energy Management RFP and/or the award of a contract to Trane. *Rule 42, Ariz. R.S. Ct., ER 1.1*. After this meeting I observed that Ms. Garcia was emotionally distraught and she told me that she was fearful of Mr. Silvyn's threat that she could be sued if she questioned the issues he had warned us about. He was in fact, threatening his clients (Ms. Garcia and Complainant) with a lawsuit, which is clear and convincing evidence that he fundamentally does not understand his obligation to *the highest authority that can act on behalf of the organization as determined by applicable law*. *Rule 42, Ariz. R.S. Ct., ER 1.13*. (b).

Mr. Silvyn's behavior towards Ms. Garcia is not within the boundaries of professional ethical conduct and almost certainly constitute a violation of applicable civil rights statutes. His actions were so demeaning and malicious that this incident alone *warrants sanction*. *Rule 42, Ariz. R.S. Ct., ER 8.4*. (c) ("deceit").

In his capacity as general counsel, Mr. Silvyn is required to be cognizant of *A.R.S. Title 15, Chapter 12 Community Colleges*. He must be aware of the stipulation in *A.R.S. § 15-1443*

(C) “Members of the district board are immune from personal liability with respect to all acts done and actions taken in good faith within the scope of their authority during duly constituted regular and special meetings.” Though qualified immunity for public officials is a well-established legal principle, Mr. Silvyn never mentioned *qualified immunity* in his threat to Ms. Garcia and Complainant; for this reason his statement *can only be viewed as a threat. Rule 42, Ariz. R.S. Ct., ER 1.1.*

Further, in his capacity as general counsel, Mr. Silvyn is well acquainted with claims of qualified immunity. The college has asserted qualified immunity in cases brought by two employees. See: *Katz, v. Pima County Community College District, Et al.*; and *Cuyugan, v. Pima Community College District*, No. CV-15-00260-TUC-RCC).

Attorneys are expected to vigorously represent the interests of clients. The State Bar of Arizona recognizes that there must be limits to the defense of these interests. In *King* the court held that, “An attorney should not exploit their well-known privilege and access to the judicial process...” This must include unfounded threats or intimidation of elected public officials. (*King, v. Whitmer, Et al.* Civil Case No. 20-13134, 2). “[A]ttorneys have an obligation to the judiciary, their profession, and the public (i) to conduct some degree of due diligence before presenting allegations as truth...” *Id.* at 2.

Mr. Silvyn’s intention was to purposefully obstruct the participation of an elected public official in the discussion and debate on the matter under consideration. In *King*, the court also found, “Indeed, attorneys take an oath to uphold and honor our legal system.” *Id.* at 2, 4. Mr. Silvyn’s threat cannot be squared with his oath to uphold and honor the legal system.

Mr. Silvyn’s statement ignored *A.R.S. § 15-1443 (C)* and therefore, was demonstrably false and misleading. Further, his threat constitutes a violation of *Rule 42, Ariz.R.S. Sup.Ct., ER*

1.1. Mr. Silvyn has not hesitated to use the threat of legal action against Ms. Garcia and Complainant for disagreeing with Chancellor Lambert's position.

Mr. Silvyn's threat was an attempt to interfere with the processes of democracy. The threat was made with the intention of preventing elected officials from performing their statutory oversight responsibilities. It is difficult to conceive of a more serious violation of State Bar of Arizona Rule 42, than for a member of the bar to subvert the democratic process. No sophisticated legal argument can obscure the fact that Mr. Silvyn's statement was a threat, as he failed to mention *A.R.S. § 15-1443 (C)* and explain the protection it affords members of community college boards. This is a matter of the most serious import.

*Preventing an elected public official from the discharge of their responsibilities is a fundamental violation of the rule of law.*

Mr. Silvyn's primary obligation is to provide competent legal counsel to a publicly elected body that is the highest authority that can act on behalf of the organization as determined by applicable law. *Rule 42, Ariz. R.S. Ct., ER 1.13. (b)*. His threat was a purposeful violation of *Rule 42, Ariz. R.S. Ct., ER 1.1*. His sole purpose was to coerce Ms. Garcia and Complainant into not debating an issue before the board. Mr. Silvyn's actions are equivalent to riding roughshod over the process with the objective of quashing the inquiry and debate that are at the heart of the democratic process. His intention was to deny our rights and obligations as public officials to carry out our statutory duties.

Complainant considers that as a member of the Board of Governors, he is one of five of Mr. Silvyn's clients. Taken in this light the need for this complaint and for action on the part of the State bar of Arizona is clear.

## V. LEGAL ACTION WITHOUT BOARD KNOWLEDGE OR CONSENT

### 1. ENGAGING EXTERNAL ATTORNEY TO CONDUCT INVESTIGATIONS WITHOUT BOARD CONSENT

Mr. Silvyn engaged Susan Segal (on retainer with the college) to conduct two investigations into Chancellor Lambert's actions. The selection of the attorney to conduct these investigations and the scope of work, were not formally disclosed to the board for consent. Mr. Silvyn did not disclose to board that he had selected an attorney to conduct these investigations *until they were completed* and reported to the board in executive session. *Rule 42, Ariz. R.S. Ct., ER 1.4.(a)(1)*. In his capacity as General Counsel, Mr. Silvyn was obligated to seek formal approval from the board for each of Ms. Segal's investigations. Mr. Silvyn has the ethical obligation to provide the board with informed consent. This requires that he communicate adequate information and explanation about each individual investigation and to seek authorization that must include: (a) authorization to conduct the investigation, (b) selection of the attorney, and, (c) the scope of work. *Rule 42, Ariz. R.S. Ct., ER 1.0. (e), and 1.4. (a) (1-5)*.

Complainant recalls that it was during the course of the second investigation that he became aware of the fact that a material witness had come forward with first-hand information pertinent to the investigation.<sup>6</sup> Subsequently, Complainant learned that a college employee had confirmed the statement of the material witness.<sup>7</sup> College documents from 2019 describe serious reservations on the part of the college's Energy Resource Manager.<sup>8</sup> Mr. Silvyn should have

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<sup>6</sup> See: *A Failure of Governance at Pima Community College*.

<sup>7</sup> On May 3, 2021 Mr. David Davis emailed Mr. Alm, "Do you know anything more about the RFP generation than what I learned independently of you; that Trane wrote it. I was told this by Brice May [Trane employee], and I believe you had heard this from another employee at Trane. It sounds like someone here at PCC is saying they pulled it from some off the shelf resource. This doesn't make sense as the RFP was so specific and so well aligned with what Trane had been trying to sell before the RFP went out. Do you have anything to add to this [emphasis added]."

<sup>8</sup> Mr. David Davis (Energy Resource Manager) was disturbed by the RFP development process and scored all of the proposals with zeros, commenting in an email to Ms. Jan Posz, PCC Sr. Procurement Analyst, "I apologize for not providing advance notice that I would be rating proposals with zeroes. I am afraid that as PCC's Energy Resource Manager this was necessary in order to not imply acceptance or approval of this RFP as written."

provided all communications between the firm and college employees to Ms. Segal prior to the initiation of her investigation.<sup>9</sup> Ms. Segal's investigation largely ignored the crucial emails from David Davis, the college's Energy Resource Manager, who complained in an email on October 14, 2020, "Having participated in numerous performance contracts, I am concerned that this RFP as written *may open up PCC for some significant financial and operational difficulties* (emphasis added)."

Mr. Silvyn was responsible for this investigation's failure to examine readily available evidence of Trane's role in the development of the Energy Management RFP.<sup>10</sup> Complainant cannot factually state what evidence Mr. Silvyn provided to Ms. Segal as he did not disclose this information to the board. Mr. Silvyn also did not fully disclose to the board information concerning her scope of work or limitations on her access to evidence. Complainant also cannot authoritatively state if Mr. Silvyn limited her scope of work to prevent her from accessing evidence material to her work. Therefore, Complainant can offer no judgment as to Ms. Segal's responsibility for the findings of the investigation. Ultimately, Mr. Silvyn, as the college's general counsel, bears responsibilities for any shortcomings or failures related to these investigations. Competent investigatory practice requires that new evidence be carefully examined and entered into the record. The failure to do so undermines the credibility of these investigations.

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<sup>9</sup> During this period Mr. Davis provided feedback that questioned the RFP process and Trane's response to the RFP. In a lengthy email sent on October 1, 2019, (11:01 AM) Mr. Davis stated that he had requested that Trane submit proposals for two pilot projects. He reported that Trane's equipment was 25 percent and 37 percent more expensive than comparable equipment. He concluded, "In short, the District HVAC shop is concerned that a switch to Trane automation will bring about an increase in outage time and will be an impairment to the support and proper operation of PCC building automation systems. This will in turn result in increased cost and site support needed by Trane technicians [emphasis added]."

<sup>10</sup> On Monday, Jan 6, 2020 (12:02 PM) Mr. David Davis (PCC Energy Resource Manager) emailed Mr. Ward, "I noticed that all 6 evaluation criteria areas came from page 5 of the Trane RFP response. Would it be possible to add categories for ECM evaluation...[emphasis added]." The Trane proposal provided to constituent by the College in its response to the PRR is missing page 5. Mr. Davis is credible as he was simply asking a question concerning the evaluation form. This question goes to the heart of the problem as it demonstrates the influence that Trane exerted on the process.

## 2. THREATING LEGAL ACTION AGAINST MEMBERS OF THE PUBLIC WITHOUT BOARD CONSENT

*Without board knowledge or consent*, Mr. Silvyn directed external counsel representing the college to communicate threats to taxpaying residents of District 5. *Rule 42, Ariz. R.S. Ct., ER 4.4.* (a). This letter was based on the attorney's limited interpretation of the report on the Energy Management RFP entitled, *A Failure of Governance at Pima Community College*.<sup>11</sup> This document was submitted to Ms. Garcia and Complainant in our *capacity as board members at our official college email addresses*, with a cover letter addressed to us. The report was prepared at the request of Complainant to provide him with a written explanation of this constituent's concerns. The demand to preserve documents contained in external counsel's letter was without merit. The letter necessitated these Pima County taxpayers to consult counsel who responded to the demand and threat contained in the letter. *Rule 42, Ariz. R.S. Ct., ER 4.4.* (a).

Mr. Silvyn, on behalf of the college, *without board knowledge or consent*, approved a letter containing a threat of legal action against the First Amendment Rights of taxpaying citizens of Pima County. The First Amendment to the Constitution of United States guarantees its citizens the right of "freedom of speech...and to petition the government for a redress of grievances." *Constitution of United States*. The report submitted is clearly not defamatory and is squarely a matter of these citizens' rights of free speech and their right to petition the government for redress of grievances. *Rule 42, Ariz. R.S. Ct., ER 4.4.* (a).

It is inconceivable that Mr. Silvyn did not understand that a letter sent to non-attorney citizens threatening legal action would be construed as a threat. Further, the letter contained a demand to preserve documents, which borders on the absurd, *as all the documents referenced in the report* are documents in the possession and control of the college. This was clearly stated in

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<sup>11</sup> The claims in this letter indicate that this attorney *did not read or comprehend the 500-page report* that was entirely based on documents received from the college via a request for public records pursuant A.R.S. § 39-121.

the report. Complainant submits that Mr. Silvyn must not be allowed to escape his responsibility for committing *the most serious transgression* against the fundamental constitutional rights that citizens of the United States are guaranteed. *Id.* at 4.4. (a).

Complainant notes that all of the individuals taxpayers addressed in the letter are of Mexican American heritage. As in the case of the discriminatory behavior against Ms. Garcia and Complainant, there are issues of targeted racial discrimination that must not go unsanctioned. Given Complainant's knowledge of Mr. Silvyn's continued threats against Ms. Garcia and himself, no other interpretation is plausible.

Complainant submits that the State Bar of Arizona should request that Mr. Silvyn provide a complete list of all individuals complaining about any aspect of the college's operations, and all communications answering the complaints to determine if there are other similar threats to taxpayers. A review of the discrimination claims brought against the college in federal and state courts reveal an underlying pattern of inappropriate behavior.

The letter in question threatened legal action from third parties *that the attorney author does not represent*.<sup>12</sup> Legal sophistry cannot obscure the fact that this letter constitutes a clear threat against the First Amendment Rights of Complainant's constituents. It was drafted and delivered with the pernicious intent of silencing citizens' right to question their government. Arguments that Mr. Silvyn was not aware that this would be the perceived objective of this threatening letter defy logic. *Id.* at 4.4. (a).

## VI. DENIAL OF DUE PROCESS TO EMPLOYEES

### 1. THE COLLEGE FOUND TO HAVE DENIED PROCEDURAL DUE PROCESS

(a) If a lawyer for an organization knows that an officer, employee or other person associated with the organization is engaged in action, intends to act or refuses to act in a matter related to the representation that is a violation of a legal obligation to the

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<sup>12</sup> Complainant submits that the attorney who authored this letter may be in violation of Rule 42, however, this is not within the scope of this complaint.

organization, or a violation of law that reasonably might be imputed to the organization, and that is likely to result in substantial injury to the organization, the lawyer shall proceed as is reasonably necessary in the best interest of the organization (emphasis added). *Rule 42, Ariz. R.S. Ct.*, ER 1.13 (a).

In his capacity as general counsel of a public institution, Mr. Silvyn has a heightened obligation to respect the rights of others. Arizona statute requires a high degree of transparency in government and mandates that public business be conducted openly, and that “any person or entity charged with the interpretations of this article shall construe this article in favor of open and public meetings (emphasis added)” *A.R.S.* § 38-431.09 (A). Arizona statute also requires that, “Public records and other matters in the custody of any officer shall be open to inspection by any person at all times during office hours.” *A.R.S.* § 39-121. Actions taken by public officers that violate any statute undermine the public confidence in open and transparent government. Legal advice given by the general counsel is protected from public scrutiny, but the assertion of this privilege should not be used to shield the college’s actions from public view. In Complainant experience, Mr. Silvyn violates *A.R.S.* § 38-431.03 by utilizing executive sessions to stifle public discussion.

The public trusts that public officers will competently discharge their responsibilities. Trust in the general counsel’s legal advice is undermined when federal courts find that the college has not provided employees with elementary procedural due process in the protection of their property rights.<sup>13</sup> As general counsel he is responsible to oversee the actions of external counsel engaged to litigate a case to protect the public from unnecessary litigation costs or financial loss. *Rule 42, Ariz. R.S. Ct.*, ER 1.1.

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<sup>13</sup> “The Fourteenth Amendment’s procedural protection of property is a safeguard of the security of interests that a person has already acquired in specific benefits. These interests—property interests—may take many forms.” *Board of Regents v. Roth*, 408 U.S. 564 (1972).

Mr. Silvyn is also obligated to respect the rights of others and the right to procedural due process is among these rights. *Rule 42, Ariz. R.S. Ct.*, ER 4.4. He is responsible to review complaints by employees to ensure that the college provides procedural due process.<sup>14</sup> *Rule 42, Ariz. R.S. Ct.*, ER 1.13 As a member of the college's Board of Governors and a taxpaying citizen of Pima County, Complainant submits that the college has an expectation that Mr. Silvyn possesses the requisite knowledge to permit a competent analysis of precedent and an evaluation of evidence in a complaint or case brought by an employee.<sup>15</sup> The public is entitled to expect that Mr. Silvyn will *thoroughly investigate complaints or cases* brought by employees.

In litigation his primary responsibility is to avoid the loss of public funds. *Rule 42, Ariz. R.S. Ct.*, ER 1.1. The college has expended funds to litigate cases that resulted in avoidable payouts to former employees.<sup>16</sup> Due process is not a novel or arcane legal principle that Mr. Silvyn could not reasonably be expected to know; it is the basis of fairness in American jurisprudence. The general counsel is responsible to assure that the institution provides procedural due process rights to employees. In two federal cases courts found that the institution had denied the due process rights of employees. (see: *Katz v. Pima County Community College District, Et Al.*, No. CV-14-02515-TUC-CKJ ORDER and *Cuyugan, v. Pima Community College District*, No. CV-15-00260-TUC-RCC).<sup>17</sup>

In the *Katz* case the court granted summary judgment to the plaintiff, noting that he had established a due process violation. *Katz*, at 23. The court also, “decline[d] to dismiss the claim

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<sup>14</sup> In *Katz*, the college argued, “Defendants [the college] assert that the Chancellor was careful to get Plaintiff’s “take,” and even had Mr. Silvyn interview Plaintiff’s witnesses before making a decision.” *Katz, v. Pima County Community College District, et al.*, No. CV-14-02515-TUC-CKJ ORDER, 17.

<sup>15</sup> For an additional case brought against the college by the United States Department of Justice during Mr. Silvyn tenure, see: *Stoner v. Pima Community College*, CIVIL NO.: 4:14-cv-02456-RM.

<sup>16</sup> See: *Katz, v. Pima County Community College District, et al.*, No. CV-14-02515-TUC-CKJ ORDER; and *Cuyugan, v. Pima Community College District, et al.*, No. CV-15-00260-TUC-RCC.

<sup>17</sup> “Even a cursory examination of the September 16 Notice and other documents shows that Defendants did not provide Plaintiff an adequate explanation of the charges against him.” *Katz, v. Pima County Community College District, et al.*, No. CV-14-02515-TUC-CKJ ORDER, 19.

for punitive damages at this time.” *Id.*, at 23. The court found that though individual defendants (college employees) “could have reasonably believed that they were following PCCCD policies, the issue is whether they could have reasonably believed they were complying with the requirements of due process.” *Id.* at 22-23. The individual defendants in the case are not lawyers. Mr. Silvyn was responsible to provide competent legal counsel to advise them of the college’s obligation to comply with procedural due process.<sup>18</sup> If Mr. Silvyn had discharged his duties in a competent manner, this situation would have been resolved without costly litigation and a settlement to Katz. Competent legal counsel would have advised individual defendants of the requirement to assure procedural due process—thus avoiding protracted litigation and settlement.<sup>19</sup>

The court noted another denial of due process, “Even a cursory examination of the September 16 Notice and other documents shows that Defendants *did not provide Plaintiff an adequate explanation* of the charges against him.” *Id.* at 19. The court found that the college had also failed to provide Katz a post-termination hearing.<sup>20</sup> The failures to provide fundamental procedural due process are so basic that any competent attorney would have identified them as they occurred.

The issue of whether Katz was a competent employee is not within the scope of this complaint. The focus here is the performance of Mr. Silvyn, and his failure to protect the financial interests of the taxpayers of Pima County. *Katz* reveals a complete breakdown of the college’s disciplinary system. Timely intervention by Mr. Silvyn would have quickly rectified

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<sup>18</sup> Pacer website list 76 filing/documents in this case, <https://www.courtlistener.com/docket/13213371/katz-v-pima-county-community-college-district/>

<sup>19</sup> Pacer website list 64 documents filed in this case. <https://www.courtlistener.com/docket/14420201/cuyugan-v-pima-community-college-district/>.

<sup>20</sup> “Due process requires an impartial decision maker...Here, there was no post-termination proceeding.” *Katz, v. Pima County Community College District, et al.*

the defective nature of the due process provided Katz. As a result of the court's finding in *Katz*, the college settled for a significant sum.<sup>21</sup>

In *Katz*, Chancellor Lambert and two employees were named in their individual capacities and requested qualified immunity. Government officials are generally shielded from individual liability, in *Harlow* the Supreme Court held.

We therefore hold that government officials performing discretionary functions, generally are shielded from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known. *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982).

In addition a public official is entitled to qualified immunity, "If the law at that time was not clearly established..." *Id.* at 818. In *Katz*, the court denied "Chancellor Lambert's request for qualified immunity...[and] to dismiss punitive damages claims as this time."<sup>22</sup> *Id.* at 41.

Complainant submits that the court's finding in *Malley* provides guidance to the denial of qualified immunity to Chancellor Lambert and the other individuals defendants in *Katz*, "As the qualified immunity defense has evolved, it provides ample protection to all but the *plainly incompetent or those who knowingly violate the law* (emphasis added)." *Malley v. Briggs*, 475 U.S. 335, 341.

*Cuyugan v. Pima Community College* centered on a number of claims, (1) denial of due process, (2) retaliation, and (3) gender discrimination. As in *Katz*, Mr. Silvyn allowed this case to proceed without analyzing facts that supported Cuyugan's claim of failure to provide due process. Mr. Silvyn failed to reasonably analyze the seriousness of the violations of procedural due process. Competent counsel would have realized there were numerous problems with the

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<sup>21</sup> Ex-Pima College instructor given \$150K settlement in civil rights case Updated Mar 17, 2017. [https://tucson.com/news/local/education/college/pcc-board-backs-lambert-but-discipline-could-follow-court-case/article\\_e87445d9-12f1-5645-a6ae-c6f121cd9db1.html#tracking-source=article-related-bottom](https://tucson.com/news/local/education/college/pcc-board-backs-lambert-but-discipline-could-follow-court-case/article_e87445d9-12f1-5645-a6ae-c6f121cd9db1.html#tracking-source=article-related-bottom).

<sup>22</sup> "On these facts, the Court cannot find as a matter of law that Chancellor Lambert acted reasonably when he provided no due process, including notice, to Plaintiff regarding the rescission of approval for a new contract offer." *Id.* 39

college's case and specifically the behavior of Chancellor Lambert, whose was named in his individual capacity. In *Cuyugan* the court found that Chancellor Lambert, "[had] deprived Plaintiff of a property interest without any due process and is liable in his personal capacity" *Id.* at 8. Again the college failed to provide a post-deprivation [termination] hearing and the court found that "Plaintiff has successfully made a due process claim." *Id.* at 6.

The court also found that *Cuyugan*, "has successfully made a prima facie gender discrimination claim." The retaliation claim centered on the actions of Chancellor Lambert, "[who] was adversarial upon meeting Plaintiff for the first time, accused Plaintiff of being a problem and not knowing how to perform her job and required Plaintiff to report to his assistant in the mornings. Plaintiff's allegations sufficiently demonstrate a pattern of antagonism." *Id.* at 12. The parties do not dispute that Plaintiff never had a post-deprivation hearing or any other opportunity to be heard. See: *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) ("The fundamental requirement of due process is the opportunity to be heard 'at a meaningful time and in a meaningful manner'" (citation omitted)). "Thus, Plaintiff has successfully made a due process claim (emphasis added)." *Cuyugan*, at 13.

The court noted the inconsistencies in PCC's argument, "In contrast, Defendants failed to follow their own policies and *now claim that they are irrelevant.*" *Id.* at 13. Complainant submits that this argument reveals a deeper truth about the general counsel's legal practice. When it is necessary to bolster his position Complainant has listened to Mr. Silvyn expound on the necessity of following the college's policies to the letter. When it suits an argument in a case where a federal judge will decide the relevancy of the college's arguments, attorneys for the college, supervised by Mr. Silvyn, argue that policies are irrelevant.

The juxtaposition of polar opposite arguments best characterizes Mr. Silvyn's attitude toward the facts. No argument, regardless of its apparent inconsistency is beyond his use. Mr. Silvyn interprets statute, board bylaws, and policies to achieve the ends that he and his immediate supervisor have determined further their interests. These two cases are presented here for more than historical relevance, Mr. Silvyn has brought the college into another potential legal situation that has implications far beyond the courtroom, and presents an existential threat to the college.

## 2. MR. SILVYN PARTICIPATES IN ANOTHER POTENTIAL DENIAL OF DUE PROCESS

Sometime in May of this year Chancellor Lambert, supported by Mr. Silvyn's legal advice, initiated disciplinary proceedings against Mr. William Ward, the Vice Chancellor for Facilities. The actions of Chancellor Lambert and Mr. Silvyn resulted in Mr. Ward's termination on June 30, 2021. Complainant submits that based on information provided to the board, Mr. Ward was not afforded a hearing and thus denied his Fourteenth Amendment procedural due process rights, in violation of 42 U.S.C. § 1983.<sup>23</sup> "Due process demands that one be given an opportunity to be heard at a meaningful time and in a meaningful manner." *Jones*, 702 F.2d., at 206. In Mr. Ward's case, Mr. Silvyn's legal advice is not reflective of a commitment to *Rule 42, Ariz. R.S. Ct.*, ER 1.1. Mr. Silvyn's assertion that Chancellor Lambert has "unilateral" authority to do as he wishes in the area of personnel actions, *appears to include denying employees procedural due process.*

Complainant submits that the allegations against Mr. Ward by Chancellor Lambert and Mr. Silvyn were intended to obscure the fact that he is a whistleblower. Complainant believed that Mr. Ward was a whistleblower when he met with him. Complainant agreed that he would

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<sup>23</sup> In *Katz* the court found, "Put another way, on this record, whether the Board failed to act itself or failed to delegate authority to act, it appears that the [college's] de facto policy was to provide no notice and due process." *Katz*, 40.

not reveal Mr. Ward as the source of any information obtained. Whether Mr. Ward is entitled to whistleblower status is a legal question not within the knowledge of the complainant.

Mr. Silvyn provided the legal advice that allowed Mr. Ward to be terminated without his procedural due process rights. This is not an isolated incident, it is a reoccurring pattern of incompetent legal advice that has resulted in two federal courts finding that the college had not provided employees procedural due process.

Ms. Garcia and I informed Mr. Silvyn that if Mr. Ward initiated legal action against the college we would be compelled to testify truthfully that we met with him as a whistleblower. It cannot be expected that Complainant would stand silently by while he has been told that millions of taxpayer dollars could be wasted on this project. The facilities assessment suggests that over the life of the contract approximately \$7,000,000 could be wasted.

## VII. QUESTIONABLE LEGAL ADVICE

Lawyers holding public office assume legal responsibilities going beyond those of other citizens. A lawyer's abuse of public office can suggest an inability to fulfill the professional role of attorney. *Rule 42, Ariz. Sup.Ct.*, ER 8.4. Comment [Amended Effective DEC. 1, 2002].

### 1. FAULTY INTERPRETATION OF STATUTES

Mr. Silvyn is well aware that a community college board's policies must be consistent with statute; the board adopted at least three policies that conflict with statute during Mr. Silvyn tenure as general counsel. There is an obligation on the part of counsel to provide competent legal advice that is given in good faith and is accurate. *Rule 42, Ariz. Sup.Ct.*, ER 1.1. Complainant argues this obligation is heightened when counsel serves a public institution, as in effect his fees are paid by the public.

Competent handling of a particular matter includes inquiry into and analysis of the factual and legal elements of the problem. ER 1.1. (5). Competent representation requires a

lawyer to give sensible construction to the law. Mr. Silvyn should be well aware that Arizona courts have long held that statutes must be interpreted as written. “Courts will not read into a statute something which is not within the manifest intent of the legislature as gathered from the statute itself.” *State ex rel. Morrison v. Anway*, 87 Ariz. 206, 349 P.2d 774. “Statutes must be given a sensible construction which accomplishes the legislative intent behind them and which avoids absurd results.” *State ex rel. v. Flournoy v. Mangum*, 113 Ariz. 151, 152, 548 P.2d 1148, 1149 (1976). “In interpreting a statute a sensible construction should be given which will accomplish the legislative intent and purpose and which will avoid an absurd conclusion or result.” *Arnold Const. Co., Inc. v. Arizona Board of Regents*, supra; *Mendelsohn v. Superior Court*, 76 Ariz. 163, 261 P.2d 983 (1953).

Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation. *Rule 42, Ariz. Sup.Ct., ER 1.1.*

Complainant observes that Mr. Silvyn has often provided legal advice without being asked. *Rule 42, Ariz. Sup.Ct.Rules., ER 2.1. (5)*. He has often threatened board members when in effect the board is his client.

The decision-making body, like a court, should be able to rely on the integrity of the submissions made to it. A lawyer appearing before such a body must deal with it honestly and in conformity with applicable rules of procedure. See ERs 3.3(a) through (c), 3.4(a) through (c), and 3.5. *Rule 42, Ariz.R.S.CT., ER 3.9.(1) Advocate in Nonadjudicative Proceedings.*

## 2. FAULTY INTERPRETATION OF A.R.S §15-1444 (A-G)

*A.R.S §15-1444 (A-G)* enumerates the general powers and duties of Arizona community college boards. The policy of the Pima Community College Board of Governors stipulates that the board is the final authority of the college. Therefore, while Mr. Silvyn is general counsel for the institution, the duties and responsibilities enumerated in A.R.S §15-1444 (A-G) are solely reserved to the board. Mr. Silvyn argues that the Board has delegated a number of powers to

Chancellor Lambert. His legal opinion is not based on a sensible construction of A.R.S §15-1444 (A-G). The word “delegate” appears in *A.R.S §15-1444 (B) (2)* and (4), and stipulates two areas in which an Arizona community college board may delegate authority.

A.R.S §15-1444 (B) (2) Lease real property, as lessor or as lessee. If a district is the lessee, the lease may contain an option to purchase the property. The district board may adopt policies as are deemed necessary and may delegate in writing to the chancellor or president of the district, or their designees, all or any part of its authority to lease property under this paragraph. Any delegation by the district board pursuant to this paragraph may be rescinded in whole or in part at any time by the district board.

A.R.S §15-1444 (B) (4) Contract. The district board may adopt such policies as are deemed necessary and may delegate in writing to the chancellor or president of the district, or their designees, all or any part of its authority to contract under this paragraph. Any delegation of authority under this paragraph may be rescinded by the district board at any time in whole or in part.

The paragraphs in *A.R.S §15-1444 (B)(2)(4)* allowing a board to delegate authority also empower a board to rescind the delegation at any time. Mr. Silvyn asserts that the board has delegated to Chancellor Lambert its power to “appoint and employ.” The authority that he asserts is not found in *A.R.S §15-1444 (A)(6)*. If the legislature had intended to grant community college boards the power to delegate the authority to appoint and employ, it would have done so with the language employed in *A.R.S §15-1444 (B)(2)(4)*.

6. Appoint and employ a chancellor or chancellors, vice-chancellors, a president or presidents, vice presidents, deans, professors, instructors, lecturers, fellows and such other officers and employees it deems necessary. The district board may enter into employment contracts with chancellors, vice-chancellors and presidents for a duration of more than one year but not more than five years. *A.R.S §15-1444 (A)(6)*

Complainant submits that Mr. Silvyn’s proclamations concerning his interpretation of *A.R.S §15-1444 (A)(6)* are not based on ignorance—they are sanctionable. His assertion that the board has delegated authority to Chancellor Lambert to “appoint and employ” is not consistent with a sensible construction of the statute. If Mr. Silvyn's interpretation were accepted, an absurd result contrary to legislative intent would hold, as the legislature narrowly defined the authority

of Arizona community college boards to delegate. Since “delegation” of authority is found in *A.R.S §15-1444*, it is clear that the legislature *understood delegation*, and specifically specified the authorities a community college board could delegate.

Complainant submits that there is no mention of delegation in paragraph *A.R.S §15-1444* (B)(6) of power to “appoint and employ,” therefore, the legal analysis Mr. Silvyn provided the board was flawed. Mr. Silvyn’s interpretation of this statute reduces the board to the role of passive observer without the power to conduct oversight or to fulfill its duties pursuant to *A.R.S §15-1444 (A-G)*.

### 3. BYLAWS CONFLICT WITH A.R.S §15-1443 (B)

A.R.S §15-1443 (B) requires that community college boards meet in January of each year for the purpose of organizing. Implicit in the word organizing is that officers of the board should be elected on an annual basis. The statute places no limit on the time an individual board member may serve as an officer of the board, but a sensible construction of A.R.S §15-1443 (B) requires that they stand for election each year. The complainant understands that prior to the adoption of *Bylaw IV Officers* on January 18, 2018, elections were held annually to one-year terms.

Section 2. The Board shall nominate and elect officers for a term of two years at the annual meeting (Article VI, Section 3). Board members shall rotate through these offices based on their original swearing-in date. Exceptions can be made to this section by majority vote.

In addition, the board adopted Bylaw VI that conflicts with Bylaw IV, that requires annual election of officers.

Section 4. In January of each year, the Board shall hold an annual meeting, as specified by A.R.S. § 15-1443(B), for the purpose of electing officers and conducting such other business as may be necessary. The annual meeting will be the first Governing Board meeting in January, unless the Chancellor and Board Chair designate a different January meeting as the annual meeting. The Board may also select representatives to various organizations and discuss the parameters of that appointment.

As the attorney advising the board on the need to comply with statute, Mr. Silvyn has not performed this responsibility with the competence required.

#### 4. BYLAWS CONFLICT WITH *A.R.S* § 39-121.01 (D)(1).

The board revised Article X of its bylaws on October 19, 2016. The intent of this bylaw limits access to public records by individual board members, when no such limitation in statute to members of the public is allowed.

iii) Information requests that will involve more than four hours of College staff time, per request, shall require the agreement of a majority of the Board. *Board Bylaws Article X, Code of Ethics*.

This bylaw is obviously not consistent with Arizona's policy of open and transparent government. It conflicts with *A.R.S* § 39-121.01 (D)(1). Had Mr. Silvyn provided a sensible construction of this statute, the board would not have adopted a policy so clearly in conflict with the intent of its meaning.

### VIII. CONCLUSION

Based on the evidence above, Complainant submits that Mr. Silvyn has committed multiple violations of the Rules of the Supreme Court of Arizona, V. Regulation of the Practice of Law, D. Lawyer Obligations, Rule 42 Arizona Rules of Professional Conduct. There are multiple aggravating factors that should be considered when evaluating Mr. Silvyn's violations of Rule 42. He is an experienced lawyer having practiced law in Arizona for over 28 years. He served as general counsel for the Morris K. Udall and Stewart L. Udall Foundation (January 2008-January 2013), prior to becoming general counsel for Pima Community College.<sup>24</sup> He has served as general counsel for public bodies since 2008. Mr. Silvyn's actions as the college's general counsel are consistent with his behavior as the general counsel for the Udall Foundation. The behavior cited by the Inspector General in 2012 indicates a level of incompetency not

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<sup>24</sup> See: Jeff Silvyn's LinkedIn page. <https://www.linkedin.com/in/jeff-silvyn-75b80a7/>.

consistent with the duties of a general counsel for a federal office.<sup>25</sup> The length of Mr. Silvyn's practice of law indicates that the infractions detailed in this complaint are not reflective of a lawyer with his length of service. In addition, his inappropriate behavior toward members of a public elected body constitutes a betrayal of the public trust. Complainant expects that the State Bar of Arizona will thoroughly investigate the allegations contained herein and take appropriate action.

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<sup>25</sup> Of the 26 contracts that were sole source awarded, only 19 had approved sole source justifications as required by FAR. Of these, 18 were approved by the Udall Foundation General Counsel. *Audit of the Stewardship of the Morris K. Udall and Steward L. Udall Foundation*, 110.



**Subject:** Complaint Submitted

**Date:** Thursday, March 10, 2022 at 10:52:30 PM Central Standard Time

**From:** Raj Murthy <RajKM23@gmail.com>

**To:** Complaints <complaints@hlcommission.org>

**CAUTION:** This email originated from outside of the organization.

**Contact Information**

First name: Raj

Last name: Murthy

Email address: RajKM23@gmail.com

Phone number: 7243884091

Street address: 1101 South Ridge Drive,

City: Stillwater

State: OK

ZIP code: 74074

Complainant type: Member of the public

Current or former, if applicable:

Date of last attendance/employment, if applicable:

Program of study, if applicable:

Degree program level, if applicable:

Referred by: Web search

**Complaint Details**

Institution: 1012 - Pima County Community College District - AZ

Date that matter of complaint occurred: 07/30/2021

Circumstances leading to complaint:

Greetings, Dr. Gellman-Danley.

I write to you to report violations of the HLC Criteria for Accreditation at Pima County Community College District. After exhausting all my attempts to reach an amicable resolution with PCC, the institution left me no choice but to share with the HLC unethical behavior that extends over two years.

CRITERION 2. INTEGRITY: ETHICAL AND RESPONSIBLE CONDUCT: The institution acts with integrity; its conduct is ethical and responsible.

Core Components 2.A. The institution establishes and follows policies and processes to ensure fair and ethical behavior on the part of its governing board, administration, faculty and staff. 2. The institution operates with integrity in its financial, academic, human resources and auxiliary functions.

My 5-years of experience at PCC is described below and demonstrates the deliberate violations of the criterion mentioned above of integrity and ethical and responsible conduct.

A high-ranking official at PCC – Dr. David Bea, the Executive Vice Chancellor for Finance and Administration, lied and intentionally used his role to defraud me of a promise he made regarding my continued employment.

This matter extends over two years, and after my repeated written requests to remedy the situation, it was not resolved before I departed the institution. Mr. Bea's only advice over my 5-year tenure at PCC was, 'Don't put anything in writing to protect yourself from FOIA.'

As you will see in the following documents, he lived true to his advice. He promised me in conversation but deliberately avoided putting anything in writing, even after my constant requests. He even used words to obfuscate the process consciously and deliberately.

Here is a summary of the event. Details are attached separately for your detailed review. You can also contact me at (724) 388 4091 or write to me at RajKM23@Gmail.com for any clarification.

The outcome that I am expecting is a Focused or Advisory Visit to the institution to investigate these improprieties.

Summary: All the details can be verified in the attachments.

1. Approximately two years ago, I applied for the role of CIO at another college in Texas and was a finalist.
2. I reached out to David Bea and told him of the offer and the pay scale of \$185K.
3. He promised to match the salary and asked me to withdraw from the interview process, which I promptly did and sent him confirmation of my withdrawal.
4. Several months passed by, and nothing happened. Finally, I reminded him of his promise in One-on-One meetings and email.
5. He ignored everything I said in the email and promised me he was working with the Chancellor to make things right in the conversation.
6. He never referred me to HR or included them in our conversations.
7. My first installment of the promise happened almost nine months later. He blamed everyone else and told me he was working on the difference—details in attachments. I've reached my 50 words. Rest in attachment.

Attempted to file a complaint with the institution: Yes

Description, if yes: I first wrote to my direct supervisor David Bea who is responsible for and created this entire problem. He ignored me as he has done for the last 1.5 years. I wrote to the Chancellor Lee Lambert next who referred me to a lawyer. Findings in the following attachment. I finally wrote to Board member Katherine Ripley. After the first couple of emails, I have not heard back from her for several weeks. Hence, my complaint to the HLC.

Attempted to address issue outside of institution: No

Description, if yes:

**Release of Information and Acknowledgment of Complaints Policy and Process**

I authorize HLC to contact me using the information provided in this form. I understand that communications from HLC regarding my complaint will generally be by email, with such correspondence addressed from [complaints@hlcommission.org](mailto:complaints@hlcommission.org).

I authorize HLC to submit a copy of the complaint and supporting materials to the above-named institution and/or other external parties. I authorize the institution to disclose education record information, personnel information and/or other information related to me to HLC or other external parties for the purpose of responding to this complaint. I understand that if I intend to revoke this authorization, I must notify the institution of this decision in writing.

I understand and acknowledge the HLC complaint policy, process, and requirements as described above. I certify that my complaint falls within the requirements as described. I certify that the information I have provided is complete, true and accurate to the best of my knowledge and belief.

**Subject:** Re: Complaint Submitted  
**Date:** Monday, March 14, 2022 at 4:58:43 PM Central Daylight Time  
**From:** Raj Murthy [REDACTED]  
**To:** Complaints <complaints@hlcommission.org>  
**Attachments:** Letter-1-C-Ripley.docx, Emails-to-KRipley-PCC.docx, Letter-3-Pay-discrepancy-Submission-to-Pima-Lawyer.docx, Letter-2-LLambert.docx

**CAUTION:** This email originated from outside of the organization.

Greetings.

Attached are 4 documents that details my complaint. I'm happy to convert them to pdf if needed. Please let me know.

Thank you for your consideration.

Best wishes, Raj Murthy.

On Mon, Mar 14, 2022 at 2:00 PM Complaints <[complaints@hlcommission.org](mailto:complaints@hlcommission.org)> wrote:

Good afternoon,

The Higher Learning Commission has conducted a preliminary review of your complaint and we are following up for additional information. Specifically, your complaint notes that you have documentation related to the circumstances leading to your complaint. However, the documentation does not appear to have been submitted with your complaint. At your convenience, please provide a copy of this documentation for review.

The requested information can be provided as a direct response to this email. Supporting materials can be provided as attachments in PDF format. Upon receipt of the information, HLC will proceed with a full review of your complaint.

Please let us know if you have any questions.

Thank you,

HLC Staff

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**From:** Raj Murthy [REDACTED]  
**Date:** Thursday, March 10, 2022 at 10:52 PM  
**To:** Complaints <[complaints@hlcommission.org](mailto:complaints@hlcommission.org)>  
**Subject:** Complaint Submitted

**CAUTION:** This email originated from outside of the organization.

**Contact Information**

First name: Raj

Last name: Murthy

Email address: [REDACTED]

Phone number: [REDACTED]

Street address: [REDACTED]

City: Stillwater

State: OK

ZIP code: [REDACTED]

Complainant type: Member of the public

Current or former, if applicable:

Date of last attendance/employment, if applicable:

Program of study, if applicable:

Degree program level, if applicable:

Referred by: Web search

**Complaint Details**

Institution: 1012 - Pima County Community College District - AZ

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This matter extends over two years, and after my repeated written requests to remedy the situation, it was not resolved before I departed the institution. Mr. Bea’s only advice over my 5-year tenure at PCC was, ‘Don’t put anything in writing to protect yourself from FOIA.’

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I understand and acknowledge the HLC complaint policy, process, and requirements as described above. I certify that my complaint falls within the requirements as described. I certify that the information I have provided is complete, true and accurate to the best of my knowledge and belief.

*The information contained in this communication is confidential and intended only for the use of the recipient named above, and may be legally privileged and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please resend it to the sender and delete the original message and copy of it from your computer system. Opinions, conclusions and other information in this message that do not relate to our official business should be understood as neither given nor endorsed by the organization.*

--

Raj Murthy

Greetings, HLC members.

My email communication with board member Katherine Ripley after all my attempts to resolve the issue with Pima administration failed i.e., Chancellor Lee Lambert and CFO David Bea.

Emails are in date order from 1<sup>st</sup> to last.

Jan 17,  
2022,  
1:00 PM

**Raj Murthy** <[REDACTED]>  
to District1,

Greetings, and good morning - Board member Ms. Ripley.

My name is Raj Murthy and I was the CIO at Pima Community College. We met a couple of times and I presented to the board on security where you were present.

I feel sad writing to you about this matter, but have no other choice left. Attached are 3 letters;

- a. First document is addressed to you and lays out the situation.
- b. Second document is a letter to Lee Lambert seeking fairness and remedy.
- c. Third document is a letter to the PCC lawyer giving him all the details of how David Bea lied and cheated me.

I look forward to hearing from you. All I seek is fairness.

Due to the nature of how emails are processed these days, I would greatly appreciate it if you could please acknowledge receipt of this email. It will give me comfort that it did not end up in junk mail.

I thank you for your time and consideration.

Best wishes to you and your family.

Raj Murthy.

[REDACTED]

I did not receive a response and reached out to her over LinkedIn. She responded promptly and graciously.

My second email to her at which point she acknowledged that my first email ended up in her spam folder.

---

2<sup>nd</sup> email.

Raj Murthy [REDACTED]

Jan 26,  
2022,  
3:04 PM

to CRipley

Greetings, Ms. Ripley,

Here is the email I first sent you. The second one was inquiring if you received it. I'll forward that next. You may want to find out why you haven't received this email, just in case there are other emails that you are missing.

Best wishes and thank you for your time, consideration, and thoughts.

---

3<sup>rd</sup> email from her to me.

**Ripley, Catherine** <cripley@pima.edu>

Wed,  
Jan 26,  
4:58 PM

to me

Dear Raj,

Thank you. I just received your emails. The originals you sent apparently went to my spam folder for some reason! So I'm glad you reached out. I will get back to you as soon as I've done my due diligence on this matter.

Catherine

--

Catherine Ripley  
Governing Board  
District 1  
Pima Community College  
[REDACTED]

"Hear this, young men and women everywhere, and proclaim it far and wide.  
The earth is yours and the fullness thereof. Be kind, but be fierce. You are needed  
now more than ever before. Take up the mantle of change. For this is your time."  
- Winston Churchill

----- My response to her. 4<sup>th</sup> email -----



**Raj Murthy** <[REDACTED]>

Thu, Jan  
27,  
10:43  
AM

to Catherine

Good morning, Ms. Ripley.

Thank you for confirming receipt.

Absolutely, please take your time to investigate. I also want to offer my complete, full, and honest response to any question you have for me.

I only come forth because of the nature and spirit of the situation. I worked at Pima for 5 full years, my point, this is not a one-time thing, this form of unethical behavior is endemic.

You can call me at [REDACTED] whenever you have a question, if I'm unavailable, I'll return your call soon thereafter. I want you to know all of the 'truth'.

I appreciate your time and willingness to look into the issue. This is my time to 'You are needed now more than ever before.

Take up the mantle of change. For this is your time."

Best wishes and be well. I stand ready to answer all your questions. Raj.

--

Raj Murthy

----- Her response to me – 5<sup>th</sup> email -----



**Ripley, Catherine** <cripley@pima.edu>

Sun,  
Feb 6,  
2:02  
PM

to me

Dear Mr. Murthy:

Thank you for sharing your concerns with me. This is all news to me, so I have to do some preliminary due diligence. You raise some very serious allegations against David Bea and Lee Lambert. For example, you allege that Mr. Bea has been manipulating the system with dishonesty, lack of integrity, and cheating people. You also assert that Mr. Lambert abdicated his responsibilities multiple times in your letter. These allegations are very concerning to

me. Thus, as part of my review, I need more specific information from you to ascertain what additional facts or evidence you have to substantiate these grave claims. From the materials you have provided, I was not able to identify specific evidence that demonstrates the points raised in your letter.

Is there some specific item that I might have missed or additional information you have that you could provide? If so, I would be glad to consider your concerns further. What specific information can you provide that shows the alleged pattern of dishonest conduct by Messrs. Bea and Lambert? While College administrators should be held to high standards of conduct, I hope you will appreciate the importance of specific evidence that supports claims of wrongful conduct.

I do regret that your service with Pima College ended on a negative note, and I appreciate the spirit in which you have shared your concerns. Please provide any more specific evidence or facts that you have to help me further investigate your concerns and/or claims. I look forward to your response, and I will investigate further after I get your additional information.

Very Respectfully,

Catherine Ripley

----- My response to her – 6<sup>th</sup> email -----

**Raj Murthy** [REDACTED]

Feb 12,  
2022,  
3:41 PM

to Catherine, bcc: Raj

Greetings, Ms. Ripley.

Thanks for your email. I have responded inline to maintain flow. Again I'm happy to discuss any of these issues in person if you wish.

On Sun, Feb 6, 2022 at 2:02 PM Ripley, Catherine <[cripley@pima.edu](mailto:cripley@pima.edu)> wrote:  
Dear Mr. Murthy:

Thank you for sharing your concerns with me. This is all news to me, so I have to do some preliminary due diligence. You raise some very serious allegations against David Bea and Lee Lambert. For example, you allege that Mr. Bea has been manipulating the system with dishonesty, lack of integrity, and cheating people.

My question about my pay has been ongoing for approximately 2 years. I have sent him emails, text messages and mentioned it several times in my conversations with him. His comment to me in our discussions was always - I'm talking to the Chancellor and I'll get this resolved soon. "Soon" - never came. You can see all the details in my email attachments to you. Your (Pima's) lawyer said to me, and I para-phrase - I agree he misled you, failed to communicate, and did not meet his obligation as your boss. He will be 'talked to' by the administration. David Bea has been at Pima for over 20 years, so this is not an accident or a unique situation. Requests for pay scale changes happened regularly. Yet, in this case, he deliberately did not follow Pima's policy, process, or protocols. He said he was talking to Lee about it, who failed to refer the subject to HR as well. When I referred my issue to HR he used his position to stop the system from intervening on my behalf as seen in my previous attachments. He lied to me and made a promise he did not keep. He lied to your own lawyer about a discussion that never happened and he cheated me of what I was promised. As per HLC that is a failure of integrity - Policy, and process.

As for the word 'people'. I believe he was dishonest with the board in some other matters. But, based on legal advice, I do not want to distract from the matter at hand. I assure you that I have personal experience on matters that are categorically dishonest when they were shared with the Board. But, for sake of clarity, let's shelf

or disregard those matters at this time and focus on what happened with me.

You also assert that Mr. Lambert abdicated his responsibilities multiple times in your letter. These allegations are very concerning to me. Thus, as part of my review, I need more specific information from you to ascertain what additional facts or evidence you have to substantiate these grave claims. From the materials you have provided, I was not able to identify specific evidence that demonstrates the points raised in your letter.

Is there some specific item that I might have missed or additional information you have that you could provide? If so, I would be glad to consider your concerns further. What specific information can you provide that shows the alleged pattern of dishonest conduct by Messrs. Bea and Lambert? While College administrators should be held to high standards of conduct, I hope you will appreciate the importance of specific evidence that supports claims of wrongful conduct.

As for Lee Lambert. I believe he abdicated his responsibility when I referred the matter to him, based on the premise that legal services, HR, and ODR cannot do their job responsibly based on their relationships. He made no attempt to learn or talk to me directly to learn what had happened. I know of other situations where he has done the same thing with other people (a strange coincidence - people of color) but, not when it came to his own Chief of Staff - Tom Davis. I have nothing against Tom, my experience with him was very good. He is a good and decent person. This is about policy and process. I have also been present at several events where the Chancellor made direct and disparaging remarks about the Board attempting to create an environment of 'Us' vs. 'Them'. He sent emails every time there was an article about a 'rogue board incident in the country' creating a cadence of distrust. I hear from reliable sources that you yourself were present at one such event with an external speaker and asked the presenter to make a

more balanced presentation next time. At all my meetings with him, he was only interested in listening to news that directly led to praise for him. Any difference of opinion was instantly stopped.

I can show you a significant list of Chancellor-led issues that I have documented over the last 4 years, and I have stated the spirit of most of them in my previous email to you. Based on the lawsuit filed by Bill Ward recently, the legal advice I have received is to hold off on this part of the discussion and focus only on my case with D. Bea.

I would like to summarize it as follows. I have shared the details of my issue concerning David Bea and how it negatively impacted me. My findings were also ratified by Pima's lawyer who agreed what happened with me was wrong but for a technicality.

I share my issues with Lee Lambert only to make the point that a person like David Bea exists and does what he does because there is a guy like Lee Lambert behind him. That is the spirit of my message - my experience of 5 years tells me that - Lee is the bigger problem. I have a long list of detailed events, and elaborate discussions, but, all that for another day. One that I hope never comes, but, I hope for the best and prepare for the worst.

I bring forward my case to you about David Bea. I leave it up to you to make the best meaning.

Sidebar: Full disclosure.

My lawyer tells me the clock starts after I have exhausted all my efforts by following the chain of command to which you are my last stop. Once our discussion is concluded, I have 6 months to raise the issue with the state government or file a lawsuit. If need be I am also planning to share my story with others.

I do regret that your service with Pima College ended on a negative note, and I appreciate the spirit in which you have shared your concerns. Please provide any more specific evidence or facts that you have to help me further investigate your concerns and/or claims. I look forward to your response, and I will investigate further after I get your additional information.

Me too Ma'am. I felt badly leaving Pima, this is not how I had expected things to end. I have some great friends at Pima and have come to love the spirit and purpose of what a Community College does. From my end, I made every attempt to focus on reality and the disharmony and disorganization that was happening inside, and Jeff Silvyn with whom you will discuss this email will bear witness to my attempts to do good. Jeff is another very good person I met and worked with at Pima. But, all that came to an end, I could no longer work at an institution led by a completely unintelligent, disingenuous, and narcissistic leader who was creating an internal environment of distrust and fear.

At the end of the day, the PCC student has nowhere else to go and depends on us to provide them with the skills and knowledge they need to move forward in life. I believe in my 5 years at Pima we fell short of our promise as evidenced by the falling enrollment numbers

for the last 8 years. That is my biggest pain. I came there to make a difference, and I failed and I couldn't take any more of it, and in my humble opinion for whatever that is worth, there is only one person to blame, Lee Lambert.

With that I have done my part, I choose not to just walk away and hope someone else does the dirty job of clean-up. I stood up, invested my time and life to write about all this to you. Unfortunately, there is nothing more I can do, but to say - my work ends here and yours begins. I am sorry to dump this in your lap. I really am. Come what may, we can all do better for those who need us most, else we'll turn into a third world country and I know a lot about that.

I'm happy to answer any questions you may have, I prefer a f2f call because it helps me explain. My number again is [REDACTED].

Best wishes, God bless, and make it a great weekend.  
Raj.

----- Her response – The 7<sup>th</sup> email. -----

**Ripley, Catherine**

Feb 13,  
2022,  
11:32  
AM

to me

Thank you for your email. I will continue to sort through this very complex issue. I'm sorry to hear that you are suing the college. It is terribly unfortunate that your pay issue

was such a tremendous burden. I do hope you are doing ok these days. We are all going through so much these past two years. Many staff and students are struggling to make ends meet due to pandemic issues. We are working hard to ensure everyone is taken care of. Enrollment at colleges is down across the nation even before pandemic. A giant issue to consider when negotiating salaries for a nonprofit college like ours. Please standby as I sort through your case. Thank you for your patience.

Very Respectfully,  
Catherine Ripley

---

----- My response to her – the 8<sup>th</sup> email.

**Raj Murthy** <[REDACTED]>

Feb 13,  
2022,  
12:46  
PM

to Catherine, bcc: Raj

Greetings and happy Sunday Ms. Ripley and thanks for this conversation. A short couple of thoughts based on your message are inline.

On Sun, Feb 13, 2022 at 11:32 AM Ripley, Catherine <[cripley@pima.edu](mailto:cripley@pima.edu)> wrote:  
Thank you for your email. I will continue to sort through this very complex issue. I'm sorry to hear that you are suing the college. It is terribly unfortunate that your pay issue was such a tremendous burden.

Thank you for sorting through the mess. I have not yet made that determination to sue because I want to give this process a chance. My pay issue is a 'tremendous burden' not because of the \$\$ amount, but, because of the sheer arrogance and disrespect that I was shown. The \$\$ amount is negligible. My pain is based on how easy it was for DBea to use a higher position to discard another human being and then lie about it and finally get an entire institution to support it. That support will only bolster the arrogance and repeat the

behavior. Administration creates policies and processes to ensure fairness and equity. We spent thousands of dollars while I was there hiring consultants to about it, and, yet admin is immune to violating those very policies and using the size of the institution and their roles to silence me. I gave David Bea plenty of opportunities to talk to me, he summarily ignored and discarded all of it. Even on my last day, he could have picked up the phone, apologized, that he had not been able to resolve it and I would have walked away. Instead, he decided to ignore me, yet again.

I do hope you are doing ok these days. We are all going through so much these past two years. Many staff and students are struggling to make ends meet due to pandemic issues. We are working hard to ensure everyone is taken care of.

Yes, Ma'am. I know this all too well. Remember I was working for the same purpose for the last 5 years, and what I experienced during the last 2 years was disorganization, lack of oversight, and a ridiculous waste of resources which was painful. I decided to leave because of the incredible cluster that we had become. Even on my very last hour at Pima, I was involved in upgrading Banner to ensure students were paid on time. So, yes, I know from deep down in the trenches.

Enrollment at colleges is down across the nation even before pandemic. A giant issue to consider when negotiating salaries for a nonprofit college like ours.

...true, and yet the chancellor keeps asking for more pay and more security for his job in the face of all that you mention. I'm sure you know what happens to a coach who has 8 losing seasons? He offers the least expensive service in the county for the people who need it most,

yet, people choose to pay more and go elsewhere, and that is my point. We need to look inwards at what we are producing. The solution is in changes we need to make within us. Also, please note, while my pay was an issue, everybody else around him got large pay raises and you can ask to see that report.

Please standby as I sort through your case. Thank you for your patience.

I'm happy about this conversation. I want you to see and feel what I saw and experienced. I have nothing personal against the chancellor, he has always been polite and courteous to me. This is about the cause, this is about doing something for people who have nowhere else to go. Done right, it will change the lives of many. After 8 years it was obvious to me, Lee was not that person, because he is a fake who regurgitates headlines.

So, as to bring some form to our discussion. I'd like to know if we continue this discussion for some resolution or if we are done with the work between us. That will help me decide my next steps.

Thanks for listening and this discussion. Best wishes, be well. Raj.

----- This was the last email. She has not responded to me since February 13<sup>th</sup>. 4 weeks to the date.

I don't want to walk away, because silence is a coward's way of siding with the oppressor. I want to be heard. Thank you for your time. Raj Murthy.

1-17-2022

Greetings, Board Member - Ms. Ripley.

Happy New Year. Trust you and your family are doing well.

We met a couple of times in passing at Pima events. My name is Raj Murthy, and I was the Chief Information Officer (CIO) responsible for digital technology at PCC. You probably also remember me from some of the security presentations I did for you as the board.

I'm sad to write to you under these circumstances, but I believe it is the right thing for me to do and here is why.

- a. If I don't tell you, there is a chance you will never know. If you don't know, it will never be fixed.
- b. I have done everything to resolve the matter and followed the chain of command, and as you will see in the following email, Lee abdicated his responsibility.

Please feel free to share this email with the other board members if you find it helpful. I did not share it with them because I don't want it to turn into a partisan battle (2 for Lee and two against), and the central issue gets sidelined. But feel free to share it with them if you deem it necessary.

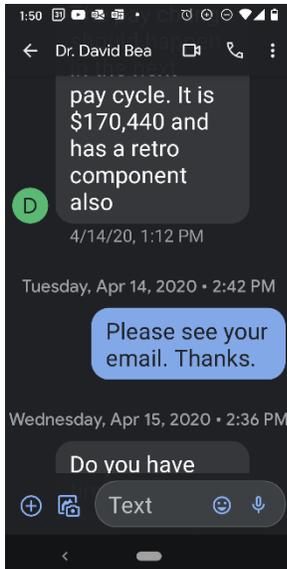
I want to respect your time and energy; hence I will paraphrase the entire issue. Nonetheless, the details of the case are attached for you to read. I am happy to talk to you about the details and answer any questions you may have. You can call me at (724) 388 4091 or email me with your questions or set up a meeting. I promise to share the whole truth without malice or request for anything. I only seek your honest and fair judgment with some consequential changes to ensure it does not happen to anyone else.

Paraphrased storyline. Details are attached as docs. One document is my discussion with the Pima attorney that started in Sept and ended in December of 2021. Over 3 months to resolve two pages of details. The second document contains all the details of what transpired between David Bea, Lee Lambert, and me.

The one and only rule David Bea asked me to follow - “don’t put anything in writing” because FOIA requests will make you vulnerable. Simply put, we can’t be held responsible if it is not in writing. I knew that is what he would do to me, hence I put it in writing, and true to his nature he ignored all my messages in writing and instead only made promises in speech. With that background, here is the issue.

1. It started two years ago when I received an offer from another university, and I approached my boss David Bea to ask him if I should pursue the offer or if he was willing to match it.

2. He agreed to match it and told me he would talk to Lee and get it done.
3. I have worked with him for five years and am fully aware of his crafty nickel and dime habits. Therefore, as soon as we agreed, I wrote an email to him and put our understanding in writing (please see doc 2 for details).
4. I did not hear from him. So, I called him, he again assured me that he would match the salary. I withdrew from the opportunity and sent him an email.
5. I emailed him, telling him I withdrew my application and reiterated our agreement. Again, nothing from him in writing.
6. Time went by, and I reminded him during our 1:1's; he said he was working on it, but nothing visibly happened.
7. As you can imagine, he is my boss, and I wanted to trust him; additionally, he has been at Pima for 20 years as its CFO, and you would assume he is trustable.
8. Almost a whole year went by, and I reminded him again; he apologized and said he would take care of it.
9. Finally, he sent me a text saying he took care of it with some back pay. Never an official email, but a text message. See image.



10. When I saw it, I immediately pointed out that what he had promised and what I received did not match.

11. He gave me a long story about Pima politics, the dysfunctional board, etc., So, in good faith, I reduced my ask by 5K and asked him to true up with the rest.

12. I sent him a strong email saying I was OCD and wanted to make sure this promise was inked.

13. He sent me back a cryptic message (all attached), letting me know he would resolve it by talking to Lee.

14. I received my yearly contract with the lower numbers; I refused to sign it and informed HR of my agreement.

15. Jeffrey Lanuez - CHRO at the time wrote back and said David told him he does not recall such a conversation.

16. It made me sad because he was playing the same crafty game, I predicted he would play. I blind copied Jeffrey the communication I was having behind the scenes. He acknowledged receiving my email. But felt

helpless because we were both trapped with the same problem. He was our boss.

17. I finally decided to leave Pima and, in my final email, asked him to true up with what he had been promising. He once again never responded. In my last email, I gave him one more opportunity, letting him know that I would report this issue to Lee and the board. Again, he said nothing.

You can verify all this in my email documentation to the Pima lawyer.

I wrote to Lee and told him about the situation. He wrote back immediately and punted his responsibilities - to a lawyer in standard Lee fashion. He abdicated his fundamental role as a Chancellor to investigate the lack of integrity within his team. He has a Chief of Staff, a CHRO, a lawyer, and an ODR office for dispute resolution, but he referred me to a lawyer under the guise of finding an unbiased perspective. The lawyer reached out to me shortly after that and asked me to send him all the details at the earliest. In good faith, I sent him all the details within the next couple of days. But believe it or not, for the next several weeks, nothing but silence. So, I wrote to him and Lee and asked for an update. Nothing from Lee, but the lawyer promised to act on it soon. This went on for several more weeks. Details of the emails are attached.

Finally, the lawyer called back just as we went into the holiday season. Here is what he concluded. I was right

that Pima (David Bea), by the lack of his responses and cryptic messages, had behaved poorly and misled me, and that someone in the administration is going to have a hard conversation with him, meaning David Bea. But he couldn't tell me who. What kind of hard conversation in this case only Lee, have with a person who has been at PCC for 20 years as its CFO and is manipulating the system with dishonesty, lack of integrity, and cheating people of the promise he made on behalf of PCC? I have no faith in Lee having any such conversation with David Bea. There are other subversive issues to which they are both tied. I don't want to distract you from this issue with my inference, my point is that they are both accountable for this and I have plenty of data to prove it.

I have been in meetings with Lee for five years, and he runs away from all critical conversations and conflicts as soon as they begin. He won't even let us argue in meetings, worried that it may point to his poor leadership.

Finally, after telling me how PCC was wrong and what Dave Bea did was wrong, the lawyer tells me, unfortunately, we cannot reimburse you for the promise David Bea made because, according to Arizona law, you should have brought this to Pima's attention within six months of its starting.

So, my kindness was my weakness. I trusted my boss as the CFO, and I trusted PCC. I trusted that Pima would not

have a CFO who would cheat people, and because of that trust, I am screwed. The lawyer was telling me, I agree that you got screwed, but since you waited this long, too bad for you.

Why do I think Lee 'abdicated'? You may or may not know this, but, when some people in PCC go to him and complain about the behavior of others within the administration. He turns them over to outside lawyers instead of doing his research first; I know he did this to Bruce Moses and others. I'm sure you can understand how crippling and fracturing it would be for Bruce to hear that a complaint against him is being investigated by an outside lawyer, who is calling several people within the organization to collect negatively charged information.

But, when a similar situation happened with his Chief of Staff - Tom Davis, who I hear was accused of mistreating women and the provost no less, Lee immediately jumped in between them, changed the rules, and squashed the topic. He did not send that issue to the lawyers' office for resolution. So, why the double standard?

Also, do you ever wonder?

- a. How many such investigations are going on of administrators and between administrators? And what is that a symptom of? How many are already done.
- b. If they were between administrators, what was the consequence to the administrator who wrongly alleged they were being harassed?

- c. How are all these 'administrator' issues impacting the college's morale and goals?
- d. What is it costing the college and the taxpayers? Would a taxpayer consider this a wise spend when there are so many systems in place to resolve disputes?
- e. We were never allowed to hire an outside lawyer any time there was a disagreement between our directors. Why is the Chancellor?
- f. If his relationship with his subordinates precludes him from doing his job, then you should be concerned about that.
- g. What is the role of HR, Legal, Chief of Staff, and ODR - why can't they investigate an internal issue?
- h. Why was it so tricky for David Bea and the Chancellor to approve my minimal raise after verbally promising me (see attachment), but they had no problem promoting Tom Davis from Director of Communication (I could be wrong about the exact title) at approx. 130K to Chief of Staff at 180K in 3 months who has no background, degrees, experience, or achievements in higher ed? He got it internally, automatically, and without any review or discussion with the administration group.

As a sidebar: I shared my story with a different lawyer in Phoenix who works closely with govt matters and showed him what the Pima lawyer said about the Arizona statute. My lawyer tells me that the Pima lawyer grossly misinterpreted the law. The issue is still ongoing due to my written requests to Pima. My 6 months start after I

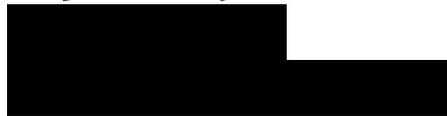
have exhausted my requests with Pima. But lawyer opinions are a different matter. My point is only to tell you that another lawyer could see the same issue and interpret it differently, which I'm sure does not surprise you. This is what lawyers do; they win no matter who losses.

Now, here is why I come to you as a board member. Do you think what happened to me is fair? And is the outcome acceptable to you? I trust you will do what is right.

I am happy to talk to you at any time; you can ask me any question you want to help you get to the bottom. I greatly appreciate your time and consideration in this matter. I hope you will call me for details and clarifications.

Best wishes,

Raj Murthy



Greetings Lee:

Trust you are doing well.

I write to you only after exhausting attempts to bring an amicable closure to my work at Pima. This issue extends (approximately) over 2 years.

I'm going to compress the details to not waste your time. Approximately 2 years ago I applied for a job and was invited to the campus as a finalist. I discussed the situation with David Bea - shared the emails and responded to his questions including requests for more information from him regarding the employment opportunity.

He promised to meet in the middle. Their scale was 185K. I was close to 160 and we agreed on 175K. I withdrew from the process. Several weeks went by and nothing happened, I wrote to him, and he ignored it. In good faith I waited, this went on and almost a year later I brought it up again. He apologized, blamed everyone else for it, and claimed it was "Lee" you who had delayed it. Finally, after a year I got a text message from him saying, it was resolved, and I would get paid. When I saw the check, it was only for 170K. I wrote to him again, and he blamed you again and has ignored all my emails about it ever since. I brought it up with HR (Jeffrey Lanuez) who spoke to David Bea. Jeffrey asked to see the emails and asked me to put them in writing which I did, and David ignored it again.

I would appreciate your leadership in bringing closure to this matter and honoring the promise he made on behalf of Pima. I have attached the email I sent to him at the end. You and all at Pima will agree, when I disagreed, I did it in the open and did it with integrity. I never hid under the table or whispered behind walls. I can also cite several examples in the last 5 years where people have been promoted and paid large raises without review. You are not a person who nickel and dimes, so, I'll leave it to your judgment. I am happy to discuss and share all the details with you if you wish. The 5K difference has affected everything for the last 2 years.

In the spirit of honesty and transparency, I feel insulted and offended by what David Bea did to me. As I said in my email to him, I am willing to go to the Board, HLC, and anywhere else to have my case heard, once it goes there I will no longer be able to control the scope or nature of the information or discussion.

HLC:

**CRITERION 2. INTEGRITY: ETHICAL AND RESPONSIBLE CONDUCT:** The institution acts with integrity; its conduct is ethical and responsible.

Core Components 2.A. The institution establishes and follows policies and processes to ensure fair and ethical behavior on the part of its governing board, administration, faculty and staff. 2. The institution operates with integrity in its financial, academic, human resources and auxiliary functions.

-----  
I also want to share another disgraceful event that happened in the last 2 weeks of my employment when a problem surfaced from financial aid. I had taken time off and submitted it, but David called me several times asking me to help him because he needed me to solve the problem. As soon as the work was done, he treated me with such disrespect and dishonesty. His words to me over the phone was "do what needs to be done, and I will take care of it for you" and then lied to me about policy and tried to conflate several unrelated issues to confuse and disguise his lies as "miscommunication", he even asked me to alter data so that it looks good for him, which I did - again in the spirit of wanting to help him. You can ask him to share the text I sent him after he asked me to do it. I can go on with the details, but, this is a good lesson for me about trust and I'll just end with one word. Karma. What goes around will come around. I don't want anything on this matter. I'll swallow the pain and accept the lesson. I just wanted you to know what happened.

I appreciate the opportunity you gave me at PCC, the last two weeks though disgraceful will not make me forget the last 5 years that were very good. I hope we can put this behind us in the best interest of all. Thank you for your time, and I wish you and PCC the very best.

-----

My email to David Bea, giving him time to respond and do the right thing follows. At this point it should not come as any surprise to you, he ignored it again.

----- Forwarded message -----

From: **Murthy, Raj** <[rmurthy@pima.edu](mailto:rmurthy@pima.edu)>

Date: Mon, Aug 23, 2021 at 6:15 PM

Subject: Re: Returned timesheet

To: Bea, David <[dbea@pima.edu](mailto:dbea@pima.edu)>, Raj Murthy <

Dave,

My response is inline.

As I indicated when I returned your timesheet for correction, it appears that the timesheet you submitted for the 8/13/21 pay period did not reflect time that you actually worked during that time period.

You are correct. I told you that in my previous correspondence.

If you did perform work during that time period, please provide a revised timesheet indicating the days and hours worked, and also provide me with a summary of what you worked on.

I did spend some time talking to Jack, but, I would have done it anyway.

In terms of the sick leave usage, you can only take sick leave when you are sick. The College's sick leave policies are [here](#) for your reference. I was referring to appropriate use of sick time in that prior conversation.

I don't think that is what you were referring to at all, you made up a rule to suit your situation. But, let's move on. We are talking about two different things, I know about the sick policy. I'm talking about the time I took on the timesheet called Personal Leave charged to sick.

Additionally, you indicated (below) that you were not paid for two weeks when you worked during your time off, which is not accurate. Your timesheets and paystubs over the past month indicate that you were paid your salary, and only your sick leave balances were deducted for the following days: 6/25 (8 hrs sick); 7/19 (8hrs sick); 7/21 (8hrs personal); and 7/22 (8hrs sick). Your final paystub (attached) indicates that you were paid out 304 hours of annual leave, according to policy, which further indicates that you did not lose time as a result of the Banner upgrade issue.

You are conflating two unrelated issues. This is not about sick days. I knew about the 304 hours 3 weeks in advance. This is about the last 2 weeks. E.g. July 20,27,28,29 when you text and talked to me. I had taken all those days as personal leave charged to sick. But, I reversed them to 0 because you asked me to do so, as can be proven in my timesheet. I sent you a text message letting you know I did it (check your texts) because you said 'it would not look good and you would take care of it'

Again, if you performed work for the College during the 8/13/21 time period, please provide that information to me and we will make arrangements for payment. If not, I will consider it resolved and will terminate your temporary work arrangement.

Yes, please terminate whatever arrangement you created. I was working with Jack before the arrangement

was in place, I will continue to do that for the good of the cause should he need it.

Now, good news for you. I no longer want to waste time on this, if in your heart you believe you are doing the right thing, fine. Remember, I stopped whatever I was doing to help you during my time off because you were in a tough spot and called me several times, I even converted my timesheet to zero so it helped your cause. Let's leave it at that and move on.

There is one matter yet to be resolved, which is the change of salary from 170 to 175. I have sent you numerous emails over two years that you have ignored. You also delayed my first change to 170 by a full year, which I accepted in good faith. You told me it is Lee. I am happy to talk to Lee if you wish and explain the whole saga with all the emails and/or I am also happy to talk to the Board to explain my predicament. Once this is resolved I will consider the matter fully 'resolved'.

Please let me know on my personal email at [REDACTED] (or through Keri) how you wish to resolve the issue.  
Raj.

Thank you,

-Dave

David Bea  
Executive Vice Chancellor for Finance and Administration  
Pima Community College  
4905 E Broadway  
Tucson, AZ 85718  
(520) 206-4519  
[dbea@pima.edu](mailto:dbea@pima.edu)

-----end.



**Lambert, Lee** <[llambert@pima.edu](mailto:llambert@pima.edu)>

Thu, Sep  
9, 2021,  
8:31 AM

to me

Good morning Raj, I trust all is well. Thanks for bringing your concerns to my attention. I will be following up with you. Lee



**Raj Murthy** [REDACTED]

Thu, Sep  
9, 2021,  
12:13 PM

to Lee

Thank you, sir. I appreciate your prompt response. I'm happy to answer any questions you may have.

--

Raj Murthy



**Lambert, Lee** <[llambert@pima.edu](mailto:llambert@pima.edu)>

Thu, Sep  
9, 2021,  
5:12 PM

to me

Hi Raj, I wanted to provide you with an update. The College will be hiring an outside firm to gather the details related to the grievance you outlined. You should be hearing from Mr. Tim Medcoff or someone from his firm in the near future. Thanks again for bringing your concerns forward, Lee

---



**Raj Murthy** [REDACTED]

Thu, Sep  
9, 2021,  
9:37 PM

to Lee

Thank you.

**Tim Medcoff** <tmedcoff@farhangmedcoff.com>

Sep 10,  
2021,  
3:00 PM

to me, Jane

Mr. Murthy,

Pima Community College (PCC) has retained me and my firm to investigate your wage claim. Because Dr. Bea works closely with its in-house attorneys, PCC thought it would be better to hire an independent, impartial factfinder. I understand you claim that Dr. David Bea verbally promised you a raise two years ago, which was never given to you. You thus seek backpay (i.e., the difference between your actual compensation versus the purportedly promised raise).

Please note that I do not represent you with respect to your wage claim. Rather, I represent PCC. If you have hired an attorney to handle this claim for you, please direct this email to him or her. Otherwise, at your earliest convenience, please send me all documents including emails, text messages, recorded phone calls or anything else supporting your claim that Dr. Bea promised you additional compensation for your IT services to PCC. In addition, please identify any witnesses (besides Dr. Bea) who can substantiate your claim.

If you have any questions regarding this matter, please contact me. Thanks, in advance, for your cooperation and assistance.

Best regards,

Tim

Attachments area



**Raj Murthy** [REDACTED]

Sep 12,  
2021,  
1:35 PM

to Tim, Jane

Greetings, Mr. Medcoff:

Thanks for reaching out. I wanted to acknowledge that I have received your email. I will compile all the information and send it to you. I don't have an attorney, so, I'm happy to share the information with you directly and the data will bear out my claim. Best wishes. Raj.

--

Raj Murthy

**Tim Medcoff** <[tmedcoff@farhangmedcoff.com](mailto:tmedcoff@farhangmedcoff.com)>

Sep 13,  
2021,  
10:42  
AM

to Jenna, me

Mr. Murthy,

If you need a secure link to upload the documents, etc., please let me know, and we will share one. I look forward to receiving the information ASAP. Thanks.

Tim

**From:** Raj Murthy <[REDACTED]>  
**Sent:** Sunday, September 12, 2021 11:35 AM  
**To:** Tim Medcoff <[tmedcoff@farhangmedcoff.com](mailto:tmedcoff@farhangmedcoff.com)>  
**Cc:** Jane Cebula <[jcebula@farhangmedcoff.com](mailto:jcebula@farhangmedcoff.com)>  
**Subject:** Re: Representation of Pima Community College

---



**Raj Murthy** [REDACTED]

Sep 19,  
2021,  
6:56 PM

to Tim

Hi, Tim:

Here you go, attached is the entire history of my issue with David Bea. I have all the emails and so does he. Plmk if you need anything else. Thanks for listening. I trust you will be fair.

Best wishes, Raj.

--

This attachment is attached to your email.

**Tim Medcoff** <tmedcoff@farhangmedcoff.com>

Sep 20,  
2021,  
4:44 PM

to me

Raj,

Thanks for your email and attachment. Do you have copies of the text messages as well? If you need a secure link to upload the relevant emails and text messages, I can share one with you.



**Raj Murthy** [REDACTED]

Sep 21,  
2021,  
2:25 PM

to Tim

Hi, Tim:

Yes, I do.

Attached are the two text messages that are part of the main document also.

On April 14th 2020, he let me know that he had talked to HR and it will be in my next paycheck. See image below.

I immediately called him, because this was not the agreement. That is when he gave me a long - "I am a helpless victim" story. i.e. \$180K is very difficult because of Pima's politics, and Lisa Brosky is a VC, Lee is this and that...etc..etc.. In the spirit of being considerate and kind, I accepted \$175K to make it easier for him.

He was happy that I agreed to accept less and we agreed to \$175K. I then sent him the second text to document and formalize the agreement, see the next image.

The email is in the main document. Item 10. Where I point out that I'm OCD about accuracy and precision and want to state what I heard in email as documentation. He responded with a cryptic 'Yes, that is consistent....". I then contacted HR and shared the email with Jeffrey Lanuez who is no longer with Pima, but he did acknowledge my email and was fully aware of the situation and what David was doing.

Plmk if I can provide anything else. Thx, Raj.

--

Raj Murthy



**Tim Medcoff** <tmedcoff@farhangmedcoff.com>

Sep 21,  
2021,  
4:02 PM

to me

Thanks. I'll review everything and get back to you soon.

Tim

Greetings, Tim:

First, thanks for the discussion and explanation. Clearly, I did not know or even think about 'a statute'. Lesson learned.

I'm also happy to know that (hopefully) someone will talk to David Bea about his actions and responsibilities.

Here is what I was talking about and the document is attached for your reference.

My first discussion and email to David Bea started on Sept 24th, 2019. The same day he agrees to \$185K and asks me to stay.

The actual check (and only after my repeated requests) comes to me on April 14th, 2020.

Sept 24th, 2019 to April 14th, 2020 is clearly more than 6 months.

What do you think?

Plmk, I appreciate your help. Raj.

Raj Murthy [REDACTED]

Mon, Oct  
11, 2021,  
12:17 PM

Greetings, Tim:

Trust all is well.

I met the spirit of your request and provided my information to you in a timely manner. Do you have an update for me?

Thank you. Raj.

--

Raj Murthy



**Tim Medcoff** <tmedcoff@farhangmedcoff.com>

Tue, Oct  
12, 2021,  
11:01 AM

to me

Raj,

Apologies for the delayed update. I trust you remain well too.

I asked PCC to conduct a thorough email search around the dates of the electronic communications that you provided to ensure I have the full context and universe of communications. PCC expects to deliver those results to me soon. I will then review and give you an update. I appreciate your patience, but you can, of course, contact me anytime.

Best regards,

Tim

**Tim Medcoff** <tmedcoff@farhangmedcoff.com>

Oct 12,  
2021,  
11:58  
AM

to me

Message received. I appreciate your patience.

Tim

**Raj Murthy** <[REDACTED]>

Nov 1,  
2021,  
11:18  
AM

to Lee, Tim

Good morning, Tim:

I trust you are well.

It has been three more weeks. As you may already know - I was the CIO at Pima and we responded to email (FOIA) requests all the time. Seven weeks seems extreme. If they are not willing to provide you with the emails, I am happy to reach out next to the Pima Board and HLC accreditation with my grievance.

Ironically, this same experience proves my point with the deliberate delay and silence in responding. In the spirit of transparency - I am also considering hiring an attorney based on these tactics.

Best wishes and thanks for your attention. Raj

**Tim Medcoff** <tmedcoff@farhangmedcoff.com>

Nov 1,  
2021,  
11:57  
AM

to me, Lee

Raj,

I promise you that I and PCC are not playing games, and we are taking your complaint seriously. Investigations take time. Delays arose because I and my contact were either out of the office on vacation and/or had other pressing matters to handle. In addition, the IT department has had some technical issues and staff shortages. I expect to respond to you very soon. As you know, I have been responsive to all your communications, so I hope you will give me the benefit of the doubt and give me a little more time.

Under my ethical rules, I must stop communicating with you unless your attorney gives me permission. Thus, if you opt to hire an attorney, please share my contact information with him/her, so I may comply with my ethical duties.

Best regards,  
Tim

**Raj Murthy** 

Nov 1,  
2021,  
12:14  
PM

to Tim

**Tim:**

Yes, you have been very prompt. But, I also know you are not the problem. I will wait to hear from you for another 10 days.

Best wishes, R.

**Tim Medcoff** <tmedcoff@farhangmedcoff.com>

Nov 1,  
2021,  
12:27  
PM

to me

Thanks. I'll be in touch soon.



**Tim Medcoff** <tmedcoff@farhangmedcoff.com>

Nov 11,  
2021,  
10:57  
AM

to me

Raj,

I write to give you a quick update. I have completed most of my investigation, but I am waiting for some additional information from the College. I expect to wrap up my investigation soon. If I need to interview you to get more clarity, I'll let you know. Thanks for your continued patience.

Tim



**Raj Murthy** [REDACTED]

Nov 11,  
2021,  
11:29  
AM

to Tim

Greetings, Tim:

Thanks for the update. I look forward to the interview, I would love to share the details with you. Best wishes,  
Raj.

--

Raj Murthy



**Tim Medcoff** <tmedcoff@farhangmedcoff.com>

Nov 18,  
2021,  
3:14 PM

to me

Raj,

Please let me know a few dates and times that work for you for an interview on the relevant issues. Thanks.

---



**Raj Murthy** [REDACTED]

Nov 18,  
2021,  
5:00 PM

to Tim

Hi, Tim.

I can talk tomorrow at Oklahoma time from 12 pm - 1.15 pm, 2.30 pm to 4.00 pm and 4.45 pm to 6 pm.

I'm good Sat and Sun.

Will be out of town from 11/22 to 11/27 and unreachable.

If any of these work please send me a google invite which will sync our times to the right time zone.

If not, please suggest dates/times that work for you and I'll try to make it work. I'll be unreachable 11/22 to 11/27.

I look forward to talking with you. R

--

Raj Murthy



**Tim Medcoff** <tmedcoff@farhangmedcoff.com>

Nov 21,  
2021,  
5:38 PM

to Jane, me

Raj,

Let me know if you can talk on November 29 in the afternoon Arizona time.

---



**Raj Murthy** [REDACTED]

Nov 22,  
2021,  
3:41 PM

to Tim, Jane

Yes, that works for me.

**Raj Murthy** [REDACTED]

Nov 29,  
2021,  
12:00  
PM

to Tim, Jane

Fixed. I believe you should get a new invite showing 1 pm Az time.

--

Raj Murthy



**Tim Medcoff** <[tmedcoff@farhangmedcoff.com](mailto:tmedcoff@farhangmedcoff.com)>

Nov 29,  
2021,  
12:10  
PM

to me, Jane

Yep. Thanks.

---

**From:** Raj Murthy [REDACTED]  
**Sent:** Monday, November 29, 2021 11:00 AM  
**To:** Tim Medcoff <[tmedcoff@farhangmedcoff.com](mailto:tmedcoff@farhangmedcoff.com)>  
**Cc:** Jane Cebula <[jcebula@farhangmedcoff.com](mailto:jcebula@farhangmedcoff.com)>  
**Subject:** Re: Update

Fixed. I believe you should get a new invite showing 1 pm Az time.

On Mon, Nov 29, 2021 at 9:54 AM Tim Medcoff <[tmedcoff@farhangmedcoff.com](mailto:tmedcoff@farhangmedcoff.com)> wrote:

That time works for me. Your invite is showing up as 2-3 Arizona time. Can you resend for 1 p.m.? Alternatively, 2 AZ time works too.

**From:** Raj Murthy [REDACTED]  
**Sent:** Monday, November 29, 2021 8:49 AM  
**To:** Tim Medcoff <[tmedcoff@farhangmedcoff.com](mailto:tmedcoff@farhangmedcoff.com)>  
**Cc:** Jane Cebula <[jcebula@farhangmedcoff.com](mailto:jcebula@farhangmedcoff.com)>  
**Subject:** Re: Update

Greetings, Tim.

Apologies for the delay in responding. I was out of the country.

Trust you had a good thanksgiving as well.

Today at 2 pm Oklahoma time works for me. It will be 1 pm Arizona time. Does that work for you? I have sent you an invite as well. Plmk. Tx

On Mon, Nov 22, 2021 at 3:55 PM Tim Medcoff <[tmedcoff@farhangmedcoff.com](mailto:tmedcoff@farhangmedcoff.com)> wrote:

When you get back to the office next week, please let me know what time is best for you on Monday afternoon, November 29. Happy early thanksgiving!

Tim

**From:** Raj Murthy [REDACTED]  
**Sent:** Monday, November 22, 2021 2:42 PM  
**To:** Tim Medcoff <[tmedcoff@farhangmedcoff.com](mailto:tmedcoff@farhangmedcoff.com)>  
**Cc:** Jane Cebula <[jcebula@farhangmedcoff.com](mailto:jcebula@farhangmedcoff.com)>  
**Subject:** Re: Update

Yes, that works for me.

On Sun, Nov 21, 2021, 6:38 PM Tim Medcoff <[tmedcoff@farhangmedcoff.com](mailto:tmedcoff@farhangmedcoff.com)> wrote:  
Raj,

Let me know if you can talk on November 29 in the afternoon Arizona time.

Tim

**From:** Raj Murthy [REDACTED]  
**Sent:** Thursday, November 18, 2021 4:00 PM  
**To:** Tim Medcoff <[tmedcoff@farhangmedcoff.com](mailto:tmedcoff@farhangmedcoff.com)>  
**Subject:** Re: Update

Hi, Tim.

I can talk tomorrow at Oklahoma time from 12 pm - 1.15 pm, 2.30 pm to 4.00 pm and 4.45 pm to 6 pm.

I'm good Sat and Sun.

Will be out of town from 11/22 to 11/27 and unreachable.

If any of these work please send me a google invite which will sync our times to the right time zone.

If not, please suggest dates/times that work for you and I'll try to make it work. I'll be unreachable 11/22 to 11/27.

I look forward to talking with you. R

For Board member - Ms. Ripley.

----

At this meeting, the Pima lawyer tells me what I said to you in my document addressed to you, "Dave was wrong in not responding to you, administration will talk to him" But we can't reimburse you, because I waited too long (more than 6 months) to report what Dave was doing to me. I disagree. I have been prodding him along in 1:1's and in writing for over 2 years, to no avail and he is completely taking advantage of the situation as my boss.

-----

Raj Murthy [REDACTED]

Dec 14,  
2021,  
4:00 PM

to Tim

Greetings, Tim:

First, thanks for the discussion and explanation. Clearly, I did not know or even think about 'a statute'. Lesson learned.

I'm also happy to know that (hopefully) someone will talk to David Bea about his actions and responsibilities.

Here is what I was talking about and the document is attached for your reference.

My first discussion and email to David Bea started on Sept 24th, 2019. The same day he agrees to \$185K and asks me to stay.

The actual check (and only after my repeated requests) comes to me on April 14th, 2020.

Sept 24th, 2019 to April 14th, 2020 is clearly more than 6 months.

What do you think?

Plmk, I appreciate your help. Raj.



**Raj Murthy** [REDACTED]

Wed, Dec  
15, 2021,  
9:49 AM

to Tim

Good morning, Tim.

In addition to my question yesterday, could you please also share the Az state statute that you mentioned yesterday that says I cannot be compensated because it's been more than 6 months since my claim?

Thank you for your time and consideration. Best wishes,  
raj.

--

Raj Murthy  
Attachments area



**Tim Medcoff**

Dec 17,  
2021,  
6:12 PM

to Jane, me

Raj,

I reviewed your timeline and supporting documents, etc. in more detail. The written evidence shows there was no verbal or written agreement in September. David Bea only agreed in writing to see what he could do in September. Rather, the verbal agreement (which I cannot confirm) would have happened in mid-October or later. David and the College then did some due diligence to determine a fair wage increase

for you which it delivered to you in mid-April (i.e., a pay raise and retroactive pay). Thus, the additional information below, unfortunately, does not change my analysis or the position of the College. I'm sorry.

I know this is not the news you want to hear, but I will clarify that the College has or will talk to David Bea to stress the importance of clear written communications in the future to avoid confusion or misleading another employee. That has happened or will happen.

Finally, the relevant statute is A.R.S. § 12-821.01.

All the best to you and your family.

Tim

**From:** Raj Murthy [REDACTED]  
**Sent:** Tuesday, December 14, 2021 3:00 PM  
**To:** Tim Medcoff <[tmedcoff@farhangmedcoff.com](mailto:tmedcoff@farhangmedcoff.com)>

---



**Raj Murthy** <[rajkm23@gmail.com](mailto:rajkm23@gmail.com)>

Dec 20,  
2021,  
11:34  
AM

to Tim

Good morning, Tim.

Thank you for your response.

All the best to you and your family as well. Make it a great holiday season.

Best wishes, Raj.

-----

The end.

My next email was to you.



Raj Murthy

██████████ Stillwater, OK ██████████  
██████████

09/19/20201

Greetings, Tim:

Below is the timeline and emails that I sent to David Bea (my supervisor) regarding my pay scale.

I had been interviewing for other jobs and was negotiating an offer from Texas. I first spoke to David Bea face to face and then followed it up with an email to make it formal. He asked me for details, I sent him, via email, the invitation letter and second interview dates (see emails below item 1,3,4,5). All of it pointed to an obvious conclusion that the institution would not be doing all this if they were not serious about hiring me - see emails from Julie.

Based on the things he shared with me about Pima's politics and organization charts, I provided him with some ideas of how he could justify the salary matching, after which we agreed to \$180,000. I followed up our conversation with an email. (Item 1) On Oct 14<sup>th</sup>, after one more call with David to confirm that he was going to match the pay we agreed upon, I withdrew from the search, and notified him that I had done so. He expressed genuine happiness that I was staying, and my work would continue (see email below Item 6).

Time went by and nothing happened. I brought it up in our one-on-one meeting. He claimed he forgot all about it and asked me to send him the emails. I sent them to him and he can produce those about the offer if you wish (Items 3,4,5). It was about the interview logistics that I had already shared with him, he claimed it would help him get me to 180k.

More time went by, and I asked him again in our weekly one-on-one meetings. He says he was sorry, he's working on it, and Pima's politics are tricky and

treacherous and how he wants to ensure it doesn't raise any flags. I knew this pattern and had heard about his nickel and diming.

What was promised in September 2019 was still unresolved in April 2020. In April, I mentioned it to him again and pointed out that it had been almost 8 months. He apologizes, blames Lee Lambert and texts me on April 14<sup>th</sup> (see below item 7) that my pay has been adjusted to \$170K+.

On April 15 2020, the next day, I called him to let him know that we had agreed to 180 and I'm still getting only 170. He talks again for the next 45 minutes regurgitating about all of Pima's endless issues and how it will be difficult to get to 180K because there is a Vice Chancellor for Marketing – Lisa Brosky who is making that amount and as AVC it would be difficult to get that close to a Vice Chancellor pay grade.

Again, in the spirit of helping him (David Bea), I agreed that I would accept \$175K (see email – item 9 and 10. April 15<sup>th</sup> documenting what he said) now and he would work out the difference through the class and comp review that HR was doing. I know that David Bea did reach out to HR and ask them if they could get me to \$180K based on class and comp, which would make it easy for him to justify to Lee Lambert and the issue would be over. Unfortunately, HR was in the middle of Class and Comp and could not give David Bea a green light because my title was still AVC. HR asked David Bea to have Lee Lambert sign off on the raise directly, and it would be done, because Lee has done this for others in the past. But, for some reason, David Bea did not want to ask Lee but wanted HR to work the system so that it looked normal.

April 15<sup>th</sup> 2020 to July 2020 – Nothing. Covid19 is in full swing, and I'm fully immersed in the work of moving everything at Pima from face to face to virtual.

In July, I get an email from HR to complete my yearly contract and it still shows \$170K. (Item 11) I reached out to Jeffrey Lanuez in HR and shared my story. He spoke to Bea who told him he does not recall any such a deal. I showed Jeffrey my emails (Items 12, 13) and pointed out that he has known this all along. Jeffrey asks me to put it in writing and send David Bea another email.

I call David Bea and remind him of our conversation. He asks me to sign off on the contract and that he will take care of it. July 2<sup>nd</sup>, 2020, I wrote to him again (email below – Item 14) letting him know that I’m signing that contract only after our discussion the previous day that he will get me to 175K. He does not respond. July 2020 to July 2021. Nothing happens. June 2021, I inform David Bea that I will be resigning from Pima. July 2021, I submit my resignation and ask him to resolve my back pay. He ignores my message again.

Though, the amount is insignificant in the scheme of things, and I’ll probably donate all of it. It is a matter of principal and respect. As soon as I submitted my resignation, he treated me with such indifference and lies that I will go to the maximum extent possible to right it.

I also want to make you aware of a strategy David Bea uses at work, and that he has asked me to follow at numerous times. He says’ don’t put anything in writing, always call. Remember everything we do can be discovered by FOIA, so don’t put anything in writing. It is the easiest way to protect yourself. That is his professional strategy against everything. Hence, all emails are generated by me because I know how he will hide behind process. Hence, I sent emails to make sure it’s in writing. As I have always suspected, when the time came, instead of being honorable, he told HR he did not know anything. So much for leadership and professionalism with your own employees.

Finally, my record. I have been a very productive employee for Pima. Here is my progression record in 5 years. I moved the needle substantially for them and will not accept being treated poorly.

May 2016 – 144K+ hired.

July 2017 to June 2018 – 147K.+

July 2019 to June 2020 – 159K

July 2020 to June 2021 – 170K+

Anyway, after giving him one last chance (item 15), which he ignored again, I finally wrote to Lee Lambert, and he contacted you. I am happy to discuss should you have any questions.

Thanks for listening, Tim. Best wishes, Raj.

Emails and text messages:

-----

It starts on Sept 24, 2019. I apply for a job at the University of Houston. See email below.

----- Item 1

On Tue, Sep 24, 2019 at 2:36 PM Murthy, Raj <[rmurthy@pima.edu](mailto:rmurthy@pima.edu)> wrote:  
Greetings:

I am paraphrasing.

Some insider information led me to an opportunity at the University of Houston. I have been invited for an interview that I'm fairly certain I'll do well in. I recently found out that their offer will be between \$175-185K.

If I split the difference at 180K, I'll be fairly close to where I am now plus whatever was in the works with the percentage increase.

I would very much like to continue here and in exchange offer to take on the PMO office with much greater returns. I also heard that Louise has submitted a retirement date (Feb 5th - still very private, so please do not share) when that happens the techies will need a home. I'm not sure if Lisa will be up to it because they are pretty hardcore techies. IT will be the natural choice. I hope that helps make the case.

Plmk what you think. Thanks, R.

**Raj Murthy**  
AVC/CIO  
Information Technology Department  
Pima Community College  
4905 E Broadway  
Tucson, AZ 85718  
(520) 206-4809  
[RMurthy@pima.edu](mailto:RMurthy@pima.edu)

---

I receive this message back from him. Item 2.

---

From: **Bea, David** <[dbea@pima.edu](mailto:dbea@pima.edu)>  
Date: Tue, Sep 24, 2019 at 5:01 PM  
Subject: Re: Employment Opportunity  
To: Murthy, Raj <[rmurthy@pima.edu](mailto:rmurthy@pima.edu)>

Let me talk to Lee and see what we can do. What is the timeline?

-Dave

David Bea  
Executive Vice Chancellor for Finance and Administration  
Pima Community College  
4905 E Broadway  
Tucson, AZ 85718  
(520) 206-4519  
[dbea@pima.edu](mailto:dbea@pima.edu)

---

In a conversation with David Bea in his office at one of our 1:1 meeting, I brought up the offer again, he tried to make a point which I considered poor and petty, he said – “You do not really have an offer but a final interview”. I agreed and pointed out that I was the most qualified and experienced candidate and if I went to the interview and succeeded, I was going to accept the offer and move on. There would be no opportunity to negotiate anymore because it would not be fair to them. He immediately said ‘In that case withdraw and I’ll increase your pay to match the offer’.

---

Emails I sent him to demonstrate the seriousness of their offer.

Item 3.

--- **From:** Julie xxxxx  
**Sent:** Thursday, October 10, 2019 2:36 PM  
**To:** 'Raj Murthy' [REDACTED]  
**Subject:** RE: UHCL Interview Update

Raj,

I am excited to (finally) share some good news with you. The UHCL Search Committee was very impressed with you, and would like to invite you to an in-person interview on campus. The original dates we discussed unfortunately no longer work for the committee, but below are the revised options. For each pair of dates, please plan on arriving no later than 6pm on the first day, and departing no earlier than 6:30pm on the second day. The first day will likely consist of dinner with the Search Committee in the evening, and the second day will be the interviews and a presentation.

Tuesday, October 15 - Wednesday, October 16  
Wednesday, October 16 - Thursday, October 17  
Sunday, October 20 - Monday, October 21  
Monday, October 21 - Tuesday, October 22  
Thursday, October 24 - Friday, October 25

Please let me know all of the dates that will work for you. I appreciate your flexibility.

In addition, UHCL requested you give a 30 min presentation on the following topic during your visit: "Discuss the approach you would use in the discovery and assessment of the opportunities and challenges confronting the UHCL Information Technology function, and how would you incorporate this into the formulation of a strategic plan?" We will share additional information about the presentation component prior to the interview.

Lastly, can you please let me know when you might have time for a call early next week to discuss travel plans and for us to provide additional information about the interview? I will send you an email confirmation with your interview date by tomorrow morning at the latest.

Congratulations, and please let me know if you have any questions.

-----Item 4.

**Julie Xxxxx** <Jxxxx@xxxxxx.xxx>

Oct 14,  
2019, 6:35  
AM

to me

Hi Raj,

One more thing I forgot to mention last night. You should have received a couple of emails from Sterling Solutions, which is our contracted background check company. When you have a moment, can you please click the link in one of the emails you received and complete the required information? If you need me to resend the email, please let me know!

Best,  
Julie

---

Item 5.

**From:** Julie xxxxx  
**Sent:** Sunday, October 13, 2019 6:11 PM

**To:** 'Raj Murthy' [REDACTED]  
**Subject:** RE: Interview Update

Hi Raj,

It was great speaking with you just now. Attached is your hotel information. As a friendly reminder, please make sure to book a departing flight that allows you to be at dinner by 6:30pm Thursday, and a returning flight that allows you to be on campus until 5pm on Friday.

The search chair let us know they are still putting final touches on the interview schedule, but will send it to us ASAP. Thank you for your patience.

As a reminder, we will begin contacting your listed references on Tuesday, and your candidacy will be shared 24 hours prior to your visit.

Please let me know if you have any questions, and I will be back in touch soon!

Best,

---

Based on David Bea's promise at the 1:1 meeting, I withdrew from the interview.

---

Item 6.

Oct 14,  
2019, 5:04  
PM

**Raj Murthy** [REDACTED]  
to Jacob, Julie

Hi Jacob,

Apologies for the delay in responding. I spoke to Julie earlier today and have decided to withdraw my application for this position. I thank you and Julie for your time and consideration. Please convey my regrets to the committee. I wish the school all the best for the future.

Best wishes to both of you.

Raj.

---

After 8 months, in April 2020, I remind him again of our discussion and his promise. He texts me this after a few days...

---

Item 7.

April 14<sup>th</sup>, 2020 – 1:12 pm

The pay change should happen in the next pay cycle. It is \$170,440 and has a retro component also

pay cycle. It is \$170,440 and has a retro component also



4/14/20, 1:12 PM

Tuesday, Apr 14, 2020 • 2:42 PM

Please see your email. Thanks.

Wednesday, Apr 15, 2020 • 2:36 PM

Do you have



Text



Item 8.

I text him back promptly on April 14<sup>th</sup>, 2020 at 2:42 pm.  
Please see your email, thanks.

---

Item 9.

**David Bea <[dbea@pima.edu](mailto:dbea@pima.edu)>**

Wed, Apr 15, 2020, 3:39  
PM

to Murthy, Raj

You are viewing an attached message.

Yes, that is consistent with what I heard. I will see what I can do

Sent from my iPhone

Item 10.

On Apr 15, 2020, at 3:24 PM, Murthy, Raj <[rmurthy@pima.edu](mailto:rmurthy@pima.edu)> wrote:

Greetings Dr. Bea:

I'm OCD for accuracy and precision, and more importantly because I don't want any misunderstandings between us (very important to me) so I want to make sure I said and understood the right numbers. Based on our discussion, I'm agreeing to 175K, a number that is between 170 (you offered) and 180 (that I was expecting), as well as away from 178K that LB makes. Thank you for your support and consideration. Best wishes, r

[Raj Murthy](#)

AVC/CIO  
Information Technology Department  
Pima Community College  
4905 E Broadway  
Tucson, AZ 85718  
[\(520\) 206-4809](tel:(520)206-4809)  
[RMurthy@pima.edu](mailto:RMurthy@pima.edu)

---

He responds back April 15<sup>th</sup> the same day saying some cryptic like “Yes, that is consistent with what I heard “... 3 months nothing changes.

---

In July, I receive my contract, I look at the amount and refuse to sign it. I call David Bea and ask him about it. He apologizes, blames L Lambert and promises he will take care of it.

---

Item 11.

**Pima Community College <echosign@echosign.com>** Wed, Jul 1, 2020, 12:39 PM

to Aida Vasquez, RAJ MURTHY

You are viewing an attached message.  
Gmail can't verify the authenticity of attached messages.



You're done signing  
**FY21 Contract**

[Open agreement](#)

---

July 2<sup>nd</sup>, I send another email to David Bea about the phone call we had earlier and his promise to make me whole (175K). I follow it up with an email and copy Jeffrey Lanuez privately to let him know that none of this is a misunderstanding and that I have been communicating with David Bea all along. If anything my fault is that I have been too kind and patient waiting for David to do the right thing, purely out of respect for the position.

Jeffrey receives and acknowledges the email. (see below). Soon after that Jeffrey resigns and leaves Pima.

---

Item 12.

**Lanuez, Jeffrey** <jlanuez@pima.edu>

Thu, Jul 2, 2020, 12:38  
PM

to Murthy, Raj

Okay got it.

Thank you,

~Jeffrey

Jeffrey Lanuez, SPHR  
Chief Human Resources Officer &

Assistant Vice Chancellor for Human Resources, Acting

Pima Community College

4905 East Broadway Blvd.

Tucson, AZ 85709

(520) 206-4637

[januez@pima.edu](mailto:januez@pima.edu)

---

Support Coordinator, Human Resources

Sasha Goldstein

(520) 206-4937

[sgoldstein5@pima.edu](mailto:sgoldstein5@pima.edu)

-----

Item 13.

On Thu, Jul 2, 2020 at 12:36 PM Murthy, Raj <[rmurthy@pima.edu](mailto:rmurthy@pima.edu)> wrote:

Hi Jeffrey:

FYI. To close the loop as per discussion. I would like to keep this discussion private. I want you to know, I'm doing my part. Tx.

Raj Murthy

AVC/CIO

Information Technology Department

Pima Community College

4905 E Broadway

Tucson, AZ 85718

[\(520\) 206-4809](tel:(520)206-4809)

[RMurthy@pima.edu](mailto:RMurthy@pima.edu)

---

Item 14.

----- Forwarded message -----

From: **Murthy, Raj** <[rmurthy@pima.edu](mailto:rmurthy@pima.edu)>

Date: Thu, Jul 2, 2020 at 12:34 PM

Subject: Signed contract

To: David Bea <[dbea@pima.edu](mailto:dbea@pima.edu)>

Greetings:

Based on our discussion on Tuesday, I have signed my contract for \$170xxx/yr. As per the discussion you will talk to Lee and make me whole as per our agreement of \$175K/yr going back to Sept of last year. I have no issue waiting but want to ensure we don't have any misunderstandings. Thanks for your support, I appreciate it, R.

Raj Murthy  
AVC/CIO  
Information Technology Department  
Pima Community College  
4905 E Broadway  
Tucson, AZ 85718  
[\(520\) 206-4809](tel:5202064809)  
[RMurthy@pima.edu](mailto:RMurthy@pima.edu)

---

Item 15.

My last email to David Bea:

There is one matter yet to be resolved, which is the change of salary from 170 to 175. I have sent you numerous emails over two years that you have ignored. You also delayed my first change to 170 by a full year, which I accepted in good faith. You told me it is Lee. I am happy to talk to Lee if you wish and explain the whole saga with all the emails and/or I am also happy to talk to the Board to explain my predicament. Once this is resolved I will consider the matter fully 'resolved'.

Please let me know on my personal email at [REDACTED] (or through Keri) how you wish to resolve the issue.  
Raj.

---



**Subject:** Re: Complaint Submitted  
**Date:** Wednesday, March 16, 2022 at 3:36:53 PM Central Daylight Time  
**From:** Raj Murthy [REDACTED]  
**To:** Complaints <complaints@hlcommission.org>  
**Attachments:** Emails-to-KRipley-PCC.docx

**CAUTION:** This email originated from outside of the organization.

Greetings, and an apology.

I missed attaching two emails with board member Kathrine Ripley. I have appended them to the original email with all the threads. The file with all the emails is attached here.

Thank you for your time and consideration. Best wishes, Raj.

I know that the board convened a special exec meeting to deliberate my concerns. I have not heard back from board member Ripley on the outcome. It is my suspicion that she most likely shared the "incident" with the other board members but did not share the details or my emails. But, I could be wrong.

Please acknowledge receipt of the attachments. Thank you and best wishes.

Raj Murthy

On Mon, Mar 14, 2022 at 5:01 PM Raj Murthy <[rajkm23@gmail.com](mailto:rajkm23@gmail.com)> wrote:

Greetings.

I have sent you an email with 4 attachments detailing my entire complaint including my most recent discussion (over email) with board member Katherine Ripley. You know everything there is to now to date regarding the complaint. Happy to discuss further and respond to any of your questions. Please acknowledge receipt of this email and the 4 files in a previous email. Thank you. Raj.

On Mon, Mar 14, 2022 at 2:00 PM Complaints <[complaints@hlcommission.org](mailto:complaints@hlcommission.org)> wrote:

Good afternoon,

The Higher Learning Commission has conducted a preliminary review of your complaint and we are following up for additional information. Specifically, your complaint notes that you have documentation related to the circumstances leading to your complaint. However, the documentation does not appear to have been submitted with your complaint. At your convenience, please provide a copy of this documentation for review.

The requested information can be provided as a direct response to this email. Supporting materials can be provided as attachments in PDF format. Upon receipt of the information, HLC will proceed with a full review of your complaint.

Please let us know if you have any questions.

Thank you,

HLC Staff

---

**From:** Raj Murthy [REDACTED]  
**Date:** Thursday, March 10, 2022 at 10:52 PM  
**To:** Complaints <[complaints@hlcommission.org](mailto:complaints@hlcommission.org)>  
**Subject:** Complaint Submitted

**CAUTION:** This email originated from outside of the organization.

**Contact Information**

First name: Raj

Last name: Murthy

Email address: [REDACTED]

Phone number: [REDACTED]

Street address: [REDACTED],

City: Stillwater

State: OK

ZIP code: [REDACTED]

Complainant type: Member of the public

Current or former, if applicable:

Date of last attendance/employment, if applicable:

Program of study, if applicable:

Degree program level, if applicable:

Referred by: Web search

### Complaint Details

Institution: 1012 - Pima County Community College District - AZ

Date that matter of complaint occurred: 07/30/2021

Circumstances leading to complaint:

Greetings, Dr. Gellman-Danley.

I write to you to report violations of the HLC Criteria for Accreditation at Pima County Community College District. After exhausting all my attempts to reach an amicable resolution with PCC, the institution left me no choice but to share with the HLC unethical behavior that extends over two years.

CRITERION 2. INTEGRITY: ETHICAL AND RESPONSIBLE CONDUCT: The institution acts with integrity; its conduct is ethical and responsible.

Core Components 2.A. The institution establishes and follows policies and processes to ensure fair and ethical behavior on the part of its governing board, administration, faculty and staff. 2. The institution operates with integrity in its financial, academic, human resources and auxiliary functions.

My 5-years of experience at PCC is described below and demonstrates the deliberate violations of the criterion mentioned above of integrity and ethical and responsible conduct.

A high-ranking official at PCC – Dr. David Bea, the Executive Vice Chancellor for Finance and Administration, lied and intentionally used his role to defraud me of a promise he made regarding my continued employment.

This matter extends over two years, and after my repeated written requests to remedy the situation, it was not resolved before I departed the institution. Mr. Bea's only advice over my 5-year tenure at PCC was, 'Don't put anything in writing to protect yourself from FOIA.'

As you will see in the following documents, he lived true to his advice. He promised me in conversation but deliberately avoided putting anything in writing, even after my constant requests. He even used words to obfuscate the process consciously and deliberately.

Here is a summary of the event. Details are attached separately for your detailed review. You can also contact me at [REDACTED] or write to me at [REDACTED] for any clarification.

The outcome that I am expecting is a Focused or Advisory Visit to the institution to investigate these improprieties.

Summary: All the details can be verified in the attachments.

1. Approximately two years ago, I applied for the role of CIO at another college in Texas and was a finalist.
2. I reached out to David Bea and told him of the offer and the pay scale of \$185K.
3. He promised to match the salary and asked me to withdraw from the interview process, which I promptly did and sent him confirmation of my withdrawal.
4. Several months passed by, and nothing happened. Finally, I reminded him of his promise in One-on-One meetings and email.
5. He ignored everything I said in the email and promised me he was working with the Chancellor to make things right in the conversation.
6. He never referred me to HR or included them in our conversations.
7. My first installment of the promise happened almost nine months later. He blamed everyone else and told me he was working on the difference—details in attachments. I've reached my 50 words. Rest in attachment.

Attempted to file a complaint with the institution: Yes

Description, if yes: I first wrote to my direct supervisor David Bea who is responsible for and created this entire problem. He ignored me as he has done for the last 1.5 years. I wrote to the Chancellor Lee Lambert next who referred me to a lawyer. Findings in the following attachment. I finally wrote to Board member Katherine Ripley. After the first couple of emails, I have not heard back from her for several weeks. Hence, my complaint to the HLC.

Attempted to address issue outside of institution: No

Description, if yes:

#### **Release of Information and Acknowledgment of Complaints Policy and Process**

I authorize HLC to contact me using the information provided in this form. I understand that communications from HLC regarding my complaint will generally be by email, with such correspondence addressed from [complaints@hlcommission.org](mailto:complaints@hlcommission.org).

I authorize HLC to submit a copy of the complaint and supporting materials to the above-named institution and/or other external parties. I authorize the institution to disclose education record information, personnel information and/or other information related to me to HLC or other external parties for the purpose of responding to this complaint. I understand that if I intend to revoke this authorization, I must notify the institution of this decision in writing.

I understand and acknowledge the HLC complaint policy, process, and requirements as described above. I certify that my complaint falls within the requirements as described. I certify that the information I have provided is complete, true and accurate to the best of my knowledge and belief.

*The information contained in this communication is confidential and intended only for the use of the recipient named above, and may be legally privileged and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please resend it to the sender and delete the original message and copy of it from your computer system. Opinions, conclusions and other information in this message that do not relate to our official business should be understood as neither given nor endorsed by the organization.*

--  
Raj Murthy

--  
Raj Murthy

Greetings, HLC members.

My email communication with board member Katherine Ripley after all my attempts to resolve the issue with Pima administration failed i.e., Chancellor Lee Lambert and CFO David Bea.

Emails are in date order from 1<sup>st</sup> to last.

Jan 17,  
2022,  
1:00 PM

**Raj Murthy** [REDACTED]  
to District1,

Greetings, and good morning - Board member Ms. Ripley.

My name is Raj Murthy and I was the CIO at Pima Community College. We met a couple of times and I presented to the board on security where you were present.

I feel sad writing to you about this matter, but have no other choice left. Attached are 3 letters;

- a. First document is addressed to you and lays out the situation.
- b. Second document is a letter to Lee Lambert seeking fairness and remedy.
- c. Third document is a letter to the PCC lawyer giving him all the details of how David Bea lied and cheated me.

I look forward to hearing from you. All I seek is fairness.

Due to the nature of how emails are processed these days, I would greatly appreciate it if you could please acknowledge receipt of this email. It will give me comfort that it did not end up in junk mail.

I thank you for your time and consideration.

Best wishes to you and your family.

Raj Murthy.

[REDACTED]

I did not receive a response and reached out to her over LinkedIn. She responded promptly and graciously.

My second email to her at which point she acknowledged that my first email ended up in her spam folder.

---

2<sup>nd</sup> email.

**Raj Murthy** [REDACTED]

Jan 26,  
2022,  
3:04 PM

to CRipley

Greetings, Ms. Ripley,

Here is the email I first sent you. The second one was inquiring if you received it. I'll forward that next. You may want to find out why you haven't received this email, just in case there are other emails that you are missing.

Best wishes and thank you for your time, consideration, and thoughts.

---

3<sup>rd</sup> email from her to me.

**Ripley, Catherine** <cripley@pima.edu>

Wed,  
Jan 26,  
4:58 PM

to me

Dear Raj,

Thank you. I just received your emails. The originals you sent apparently went to my spam folder for some reason! So I'm glad you reached out. I will get back to you as soon as I've done my due diligence on this matter.

Catherine

--

Catherine Ripley  
Governing Board  
District 1  
Pima Community College  
[REDACTED]

"Hear this, young men and women everywhere, and proclaim it far and wide.  
The earth is yours and the fullness thereof. Be kind, but be fierce. You are needed  
now more than ever before. Take up the mantle of change. For this is your time."  
- Winston Churchill

----- My response to her. 4<sup>th</sup> email -----



**Raj Murthy** [REDACTED]

Thu, Jan  
27,  
10:43  
AM

to Catherine

Good morning, Ms. Ripley.

Thank you for confirming receipt.

Absolutely, please take your time to investigate. I also want to offer my complete, full, and honest response to any question you have for me.

I only come forth because of the nature and spirit of the situation. I worked at Pima for 5 full years, my point, this is not a one-time thing, this form of unethical behavior is endemic.

You can call me at [REDACTED] whenever you have a question, if I'm unavailable, I'll return your call soon thereafter. I want you to know all of the 'truth'.

I appreciate your time and willingness to look into the issue. This is my time to 'You are needed now more than ever before.

Take up the mantle of change. For this is your time."

Best wishes and be well. I stand ready to answer all your questions. Raj.

--

Raj Murthy

----- Her response to me – 5<sup>th</sup> email -----



**Ripley, Catherine** <cripley@pima.edu>

Sun,  
Feb 6,  
2:02  
PM

to me

Dear Mr. Murthy:

Thank you for sharing your concerns with me. This is all news to me, so I have to do some preliminary due diligence. You raise some very serious allegations against David Bea and Lee Lambert. For example, you allege that Mr. Bea has been manipulating the system with dishonesty, lack of integrity, and cheating people. You also assert that Mr. Lambert abdicated his responsibilities multiple times in your letter. These allegations are very concerning to

me. Thus, as part of my review, I need more specific information from you to ascertain what additional facts or evidence you have to substantiate these grave claims. From the materials you have provided, I was not able to identify specific evidence that demonstrates the points raised in your letter.

Is there some specific item that I might have missed or additional information you have that you could provide? If so, I would be glad to consider your concerns further. What specific information can you provide that shows the alleged pattern of dishonest conduct by Messrs. Bea and Lambert? While College administrators should be held to high standards of conduct, I hope you will appreciate the importance of specific evidence that supports claims of wrongful conduct.

I do regret that your service with Pima College ended on a negative note, and I appreciate the spirit in which you have shared your concerns. Please provide any more specific evidence or facts that you have to help me further investigate your concerns and/or claims. I look forward to your response, and I will investigate further after I get your additional information.

Very Respectfully,

Catherine Ripley

----- My response to her – 6<sup>th</sup> email -----

**Raj Murthy** [REDACTED]

Feb 12,  
2022,  
3:41 PM

to Catherine, bcc: Raj

Greetings, Ms. Ripley.

Thanks for your email. I have responded inline to maintain flow. Again I'm happy to discuss any of these issues in person if you wish.

On Sun, Feb 6, 2022 at 2:02 PM Ripley, Catherine <[cripley@pima.edu](mailto:cripley@pima.edu)> wrote:  
Dear Mr. Murthy:

Thank you for sharing your concerns with me. This is all news to me, so I have to do some preliminary due diligence. You raise some very serious allegations against David Bea and Lee Lambert. For example, you allege that Mr. Bea has been manipulating the system with dishonesty, lack of integrity, and cheating people.

My question about my pay has been ongoing for approximately 2 years. I have sent him emails, text messages and mentioned it several times in my conversations with him. His comment to me in our discussions was always - I'm talking to the Chancellor and I'll get this resolved soon. "Soon" - never came. You can see all the details in my email attachments to you. Your (Pima's) lawyer said to me, and I para-phrase - I agree he misled you, failed to communicate, and did not meet his obligation as your boss. He will be 'talked to' by the administration. David Bea has been at Pima for over 20 years, so this is not an accident or a unique situation. Requests for pay scale changes happened regularly. Yet, in this case, he deliberately did not follow Pima's policy, process, or protocols. He said he was talking to Lee about it, who failed to refer the subject to HR as well. When I referred my issue to HR he used his position to stop the system from intervening on my behalf as seen in my previous attachments. He lied to me and made a promise he did not keep. He lied to your own lawyer about a discussion that never happened and he cheated me of what I was promised. As per HLC that is a failure of integrity - Policy, and process.

As for the word 'people'. I believe he was dishonest with the board in some other matters. But, based on legal advice, I do not want to distract from the matter at hand. I assure you that I have personal experience on matters that are categorically dishonest when they were shared with the Board. But, for sake of clarity, let's shelf

or disregard those matters at this time and focus on what happened with me.

You also assert that Mr. Lambert abdicated his responsibilities multiple times in your letter. These allegations are very concerning to me. Thus, as part of my review, I need more specific information from you to ascertain what additional facts or evidence you have to substantiate these grave claims. From the materials you have provided, I was not able to identify specific evidence that demonstrates the points raised in your letter.

Is there some specific item that I might have missed or additional information you have that you could provide? If so, I would be glad to consider your concerns further. What specific information can you provide that shows the alleged pattern of dishonest conduct by Messrs. Bea and Lambert? While College administrators should be held to high standards of conduct, I hope you will appreciate the importance of specific evidence that supports claims of wrongful conduct.

As for Lee Lambert. I believe he abdicated his responsibility when I referred the matter to him, based on the premise that legal services, HR, and ODR cannot do their job responsibly based on their relationships. He made no attempt to learn or talk to me directly to learn what had happened. I know of other situations where he has done the same thing with other people (a strange coincidence - people of color) but, not when it came to his own Chief of Staff - Tom Davis. I have nothing against Tom, my experience with him was very good. He is a good and decent person. This is about policy and process. I have also been present at several events where the Chancellor made direct and disparaging remarks about the Board attempting to create an environment of 'Us' vs. 'Them'. He sent emails every time there was an article about a 'rogue board incident in the country' creating a cadence of distrust. I hear from reliable sources that you yourself were present at one such event with an external speaker and asked the presenter to make a

more balanced presentation next time. At all my meetings with him, he was only interested in listening to news that directly led to praise for him. Any difference of opinion was instantly stopped.

I can show you a significant list of Chancellor-led issues that I have documented over the last 4 years, and I have stated the spirit of most of them in my previous email to you. Based on the lawsuit filed by Bill Ward recently, the legal advice I have received is to hold off on this part of the discussion and focus only on my case with D. Bea.

I would like to summarize it as follows. I have shared the details of my issue concerning David Bea and how it negatively impacted me. My findings were also ratified by Pima's lawyer who agreed what happened with me was wrong but for a technicality.

I share my issues with Lee Lambert only to make the point that a person like David Bea exists and does what he does because there is a guy like Lee Lambert behind him. That is the spirit of my message - my experience of 5 years tells me that - Lee is the bigger problem. I have a long list of detailed events, and elaborate discussions, but, all that for another day. One that I hope never comes, but, I hope for the best and prepare for the worst.

I bring forward my case to you about David Bea. I leave it up to you to make the best meaning.

Sidebar: Full disclosure.

My lawyer tells me the clock starts after I have exhausted all my efforts by following the chain of command to which you are my last stop. Once our discussion is concluded, I have 6 months to raise the issue with the state government or file a lawsuit. If need be I am also planning to share my story with others.

I do regret that your service with Pima College ended on a negative note, and I appreciate the spirit in which you have shared your concerns. Please provide any more specific evidence or facts that you have to help me further investigate your concerns and/or claims. I look forward to your response, and I will investigate further after I get your additional information.

Me too Ma'am. I felt badly leaving Pima, this is not how I had expected things to end. I have some great friends at Pima and have come to love the spirit and purpose of what a Community College does. From my end, I made every attempt to focus on reality and the disharmony and disorganization that was happening inside, and Jeff Silvyn with whom you will discuss this email will bear witness to my attempts to do good. Jeff is another very good person I met and worked with at Pima. But, all that came to an end, I could no longer work at an institution led by a completely unintelligent, disingenuous, and narcissistic leader who was creating an internal environment of distrust and fear.

At the end of the day, the PCC student has nowhere else to go and depends on us to provide them with the skills and knowledge they need to move forward in life. I believe in my 5 years at Pima we fell short of our promise as evidenced by the falling enrollment numbers

for the last 8 years. That is my biggest pain. I came there to make a difference, and I failed and I couldn't take any more of it, and in my humble opinion for whatever that is worth, there is only one person to blame, Lee Lambert.

With that I have done my part, I choose not to just walk away and hope someone else does the dirty job of clean-up. I stood up, invested my time and life to write about all this to you. Unfortunately, there is nothing more I can do, but to say - my work ends here and yours begins. I am sorry to dump this in your lap. I really am. Come what may, we can all do better for those who need us most, else we'll turn into a third world country and I know a lot about that.

I'm happy to answer any questions you may have, I prefer a f2f call because it helps me explain. My number again is [REDACTED].

Best wishes, God bless, and make it a great weekend.  
Raj.

----- Her response – The 7<sup>th</sup> email. -----

**Ripley, Catherine**

Feb 13,  
2022,  
11:32  
AM

to me

Thank you for your email. I will continue to sort through this very complex issue. I'm sorry to hear that you are suing the college. It is terribly unfortunate that your pay issue

was such a tremendous burden. I do hope you are doing ok these days. We are all going through so much these past two years. Many staff and students are struggling to make ends meet due to pandemic issues. We are working hard to ensure everyone is taken care of. Enrollment at colleges is down across the nation even before pandemic. A giant issue to consider when negotiating salaries for a nonprofit college like ours. Please standby as I sort through your case. Thank you for your patience.

Very Respectfully,  
Catherine Ripley

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----- My response to her – the 8<sup>th</sup> email.

**Raj Murthy** [REDACTED]

Feb 13,  
2022,  
12:46  
PM

to Catherine, bcc: Raj

Greetings and happy Sunday Ms. Ripley and thanks for this conversation. A short couple of thoughts based on your message are inline.

On Sun, Feb 13, 2022 at 11:32 AM Ripley, Catherine <[cripley@pima.edu](mailto:cripley@pima.edu)> wrote:  
Thank you for your email. I will continue to sort through this very complex issue. I'm sorry to hear that you are suing the college. It is terribly unfortunate that your pay issue was such a tremendous burden.

Thank you for sorting through the mess. I have not yet made that determination to sue because I want to give this process a chance. My pay issue is a 'tremendous burden' not because of the \$\$ amount, but, because of the sheer arrogance and disrespect that I was shown. The \$\$ amount is negligible. My pain is based on how easy it was for DBea to use a higher position to discard another human being and then lie about it and finally get an entire institution to support it. That support will only bolster the arrogance and repeat the

behavior. Administration creates policies and processes to ensure fairness and equity. We spent thousands of dollars while I was there hiring consultants to about it, and, yet admin is immune to violating those very policies and using the size of the institution and their roles to silence me. I gave David Bea plenty of opportunities to talk to me, he summarily ignored and discarded all of it. Even on my last day, he could have picked up the phone, apologized, that he had not been able to resolve it and I would have walked away. Instead, he decided to ignore me, yet again.

I do hope you are doing ok these days. We are all going through so much these past two years. Many staff and students are struggling to make ends meet due to pandemic issues. We are working hard to ensure everyone is taken care of.

Yes, Ma'am. I know this all too well. Remember I was working for the same purpose for the last 5 years, and what I experienced during the last 2 years was disorganization, lack of oversight, and a ridiculous waste of resources which was painful. I decided to leave because of the incredible cluster that we had become. Even on my very last hour at Pima, I was involved in upgrading Banner to ensure students were paid on time. So, yes, I know from deep down in the trenches.

Enrollment at colleges is down across the nation even before pandemic. A giant issue to consider when negotiating salaries for a nonprofit college like ours.

...true, and yet the chancellor keeps asking for more pay and more security for his job in the face of all that you mention. I'm sure you know what happens to a coach who has 8 losing seasons? He offers the least expensive service in the county for the people who need it most,

yet, people choose to pay more and go elsewhere, and that is my point. We need to look inwards at what we are producing. The solution is in changes we need to make within us. Also, please note, while my pay was an issue, everybody else around him got large pay raises and you can ask to see that report.

Please standby as I sort through your case. Thank you for your patience.

I'm happy about this conversation. I want you to see and feel what I saw and experienced. I have nothing personal against the chancellor, he has always been polite and courteous to me. This is about the cause, this is about doing something for people who have nowhere else to go. Done right, it will change the lives of many. After 8 years it was obvious to me, Lee was not that person, because he is a fake who regurgitates headlines.

So, as to bring some form to our discussion. I'd like to know if we continue this discussion for some resolution or if we are done with the work between us. That will help me decide my next steps.

Thanks for listening and this discussion. Best wishes, be well. Raj.

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----- Forwarded message -----

From: **Raj Murthy** [REDACTED]  
Date: Sun, Feb 13, 2022 at 4:13 PM  
Subject: Fwd: A perspective  
To: Ripley, Catherine <[CRipley@pima.edu](mailto:CRipley@pima.edu)>

Greetings Ms. Ripley,

I apologize for the intrusion. But, I feel compelled to share this perspective with you to give you some context.

When I wrote to Lee Lambert on my last day, he immediately punted his responsibility to an external lawyer. As the leader, I expected him to say, let me do a quick review of your allegation considering I have been implicated by David Bea on several occasions. Did he report it to Legal, ODR, HR, or tell the board?

I worked at Pima as the CIO for 5 years, that was the least he could do as a leader. Basic leadership 101. Instead, he punted it. The lawyer did what lawyers do, sided with me and ended it on a technicality.

But, I am going to give Lee the benefit of the doubt, (Though I know he will avoid all conflict and controversy at all times and look to blame someone else behind their back, be that what it is...) After the lawyer and I concluded. I expected the Chancellor to come back and say;

"I got the report, I'm sorry about what happened and I'm going to make some changes and make sure this never happens again. I'm sorry we can't go back in time and make it right, but, I hope you will accept my apology and know that your complaint made things better at Pima."

I would have happily accepted this response and moved on. Instead, crickets.

Silence is a coward's way of siding with the oppressor.

Unless you believe otherwise, and as a matter of transparency and integrity, I would like to share my incident with all the other board members. The administration must be held accountable and responsible to a higher standard (CRipley).

Thanks for listening. I wish you the very best as the next board chair.

Best wishes, Raj.

--

Raj Murthy



**Ripley, Catherine**

Feb 14,  
2022,  
8:06 PM

to me

Dear Prof Murthy,

This is a serious matter for which I am taking great care to address. I am already working with several people to get all the facts and chronology straight to include meeting with Tim Medcoff. This may have serious implications and actions so I must do my due diligence in order to be responsible. The good of the college is always my first and foremost concern otherwise students suffer. Contacting other board members at this point will only serve to create more chaos. If you are free to speak with whoever you wish of course.

Thank you,  
Catherine

--

Catherine Ripley  
Governing Board  
District 1  
Pima Community College  
[REDACTED]

"Hear this, young men and women everywhere, and proclaim it far and wide.  
The earth is yours and the fullness thereof. Be kind, but be fierce. You are needed  
now more than ever before. Take up the mantle of change. For this is your time."  
- Winston Churchill



**Raj Murthy** [REDACTED]

Feb 16,  
2022,  
11:01  
AM

to Catherine

Greetings, Ms. Ripley.

Thank you for taking my request seriously. After my previous experience with PCC administration namely (LL and DB) I did not want to be ignored. I appreciate your due diligence and welcome it.

I couldn't agree more with you about the well-being of students at Pima. I worked with the same mindset for 5 years at Pima. I want what is best for them as well. PCC is the most economical option for their education. If I didn't believe that, I would have walked away and let someone else worry about it. My current opportunity is bigger and better in every way, I don't need to do this, but if I don't nobody else will, and Pima will be the lesser for it.

I have no intention of creating any chaos, all I want is fairness. I shall wait for your decision.

Sidebar: One word of advice (as a friend), please - PLEASE be very clear in your thinking when you go through your research. My experience at Pima has taught me that when you ask one question, people will split and branch the question into 4 other questions. The goal is purely to obfuscate the matter until a mountain of closely-related and unrelated information completely overwhelms all your senses, and before long you will be on the Chancellor's Kool-aid. Don't let them dull your senses. This is based on 5 years of listening to the lies and trying to pass them off as shades of truth.

Please feel free to call me if you want specific clarifications. [REDACTED]. Raj.

"Be kind, but be fierce. You are needed now more than ever before. Take up the mantle of change. For this is your time."

----- This was the last email. She has not responded to me since February 13<sup>th</sup>. 4 weeks to the date.

I don't want to walk away, because silence is a coward's way of siding with the oppressor. I want to be heard. Thank you for your time. Raj Murthy.