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I am writing in response to your letter of October 5, 2018, in which you demanded that I produce copies of various personal records by 5:00 p.m. on October 8, 2018. Your letter is unfair, both in its substance and its implicit allegation that I have somehow been insubordinate because I was compelled to hire personal counsel to protect my rights after I learned that I am on Chairman Marchena's "hit list" of UCF employees he intends to fire to cover up the role that he and President Whittaker played in approving the use of E&G carry forward funds to construct Trevor Colbourn Hall ("TCH").

I have fully cooperated with this investigation from the start. Over the last three weeks, I have spent more than 100 hours of my personal time going through my personal notes, searching for information that might be relevant to the investigation at issue. These notes are kept in notebooks that I paid for and which I own. No one would even know about the notes unless I had voluntarily disclosed their existence. Believe me, I do not want the notes concealed. I want them made public, because they prove that UCF's President and the Board of Trustees were advised about and approved the use of E&G carry forward funds for capital projects, including TCH.

In addition to disclosing that I maintained notes pertinent to the investigation, I provided a synopsis of two years of the notes to counsel for UCF's Board of Trustees, Joseph Burby. I told Mr. Burby that I would provide him with copies of the notes for his use. Mr. Burby then demanded copies of all of my personal notebooks, which are akin to my personal diary, for the years 2013 through present, the bulk of which have nothing whatsoever to do with the ongoing investigation.

I also disclosed that I maintained texts on my personal cell phone which relate to issues involved in the investigation. I told Mr. Burby that I would search my phone and provide him with copies of relevant texts when I found them. After I had already volunteered to produce relevant texts, I received a demand that I turn over my personal cell phone, which is filled with personal photographs and other private information, so that an image could be made of all the data on it.

Further still, I voluntarily participated in what can euphemistically be described as an "interrogation" by Mr. Burby and four other people, which was hostile from the outset. During the interrogation, Mr. Burby got extremely angry because he did not like my answers. He tried to make me say things that were not true because my answers did not fit the false narrative that is being disseminated by President Whittaker and Chairman Marchena and, undoubtedly, by Mr. Burby as well.

In view of the above, I was compelled to hire counsel to protect my rights. My attorney wrote a letter to Mr. Burby which makes it clear that, while I will not provide him with my personal cell phone or original notebooks, I would continue to search for relevant texts and other data and would turn it over when I found it. My counsel's letter also clearly stated that I would continue to fulfill my duties as an employee of UCF.

The implication that I have been insubordinate or in any way impeded the ongoing investigation is not true and is not warranted. I was forced to hire counsel to respond to counsel for UCF's Board of Trustees who threatened me. I hired counsel to protect my rights. I will still do my job as an employee of UCF. However, I will not sit silently while my rights are violated, and I will not lie to protect President

Whittaker and Chairman Marchena while they disseminate false narratives to conceal their roles in approving the use of E&G carry forward funds to construct TCH and other facilities.

In response to my attorney's letter to Mr. Burby, you wrote me a letter, delivered late on Friday October 5, 2018, demanding that I produce copies of my notes and any texts relevant to the ongoing investigation by 5:00 p.m. on the next business day, Monday October 8, 2018. You advised that my failure to turn over the documents demanded by the deadline you set would be viewed as an act of insubordination.

It is physically impossible for me to comply with your demands within the unreasonably limited time-period allowed. I have already spent weeks searching for relevant notes and texts. Since I received your demand, I spent the entire weekend and virtually every waking hour trying to comply with it.

I began my search for relevant notes weeks ago. These are not type-written notes with complete sentences. Rather, they are handwritten notes, consisting of abbreviations and bullet points, which are often illegible and which I have to carefully peruse to remind myself of the events and persons to which they relate. It is not a review that can be completed quickly or done by anyone else.

I have been able to complete my review of my notes for the years 2013, 2014, and 2015. Copies of the notes I have found are enclosed. However, I am still going through my notebooks for the years 2016 to present. I will turn over any relevant notes when my continuing review is complete. I anticipate it will take another three weeks. I, therefore, request more time to comply with your demand. I cannot physically complete the task any quicker. I have stayed up into 2:00 or 3:00 a.m. every morning trying to comply with your directive, and my health is already suffering the consequences.

I have completed my search for texts. Enclosed are all text messages I have that may be pertinent to the investigation.

I want to object to the adverse employment action that is implicit in your letter and which I believe is being threatened against me as a consequence of me merely doing my job and objecting to unethical actions taken by President Whittaker and Chairman Marchena.

I previously filed an ethics complaint with UCF because Dale Whittaker, while he was employed at UCF, falsified a resume he submitted to Iowa State University when he sought a position there. I do not believe that persons who have the responsibility to educate and help shape the lives of college students should fraudulently represent their credentials. Ironically, the matters that Dr. Whittaker falsified pertain to the alleged role he played in overseeing capital projects at UCF. After I complained, Dr. Whittaker changed his resume and my complaint was covered up as part of the "Save the Dale" campaign implemented by Chairman Marchena and others associated with the Board of Trustees.

I also complained on multiple occasions when Chairman Marchena tried to arrange for his friends, cronies, and business associates from the Orlando Airport to get involved in overseeing projects at UCF, a maneuver that would have cost UCF millions of dollars more than it would otherwise pay.

Now, President Whittaker and Chairman Marchena are taking retaliatory action against me because I and others have documents and proof which demonstrate that President Hitt and then-Provost Whittaker expressly approved the use of E&G carry forward funds to construct TCH and other capital projects. I have referred the investigators to reports and places where e-mails could be obtained which show the knowledge and participation of Dr. Whittaker and the Board of Trustees in approving the construction of TCH with E&G carry forward funds. Indeed, while he was Provost, Dr. Whittaker formed the University Facilities Budget Committee, from which Tracy Clark reported directly to him concerning the use of E&G funds for TCH and other facilities.

I reiterate, as I told the investigators, that I do not believe the funds were misused. The old Colbourn Hall was destroyed and rendered uninhabitable as the result of mold and structural defects, as engineering reports from 2014 clearly show. President Hitt told Bill Merck and me that we "had no choice" but to use E&G carry forward to construct the new building. It was a matter of health and safety. Dale Whittaker signed documents which expressly stated E&G carry forward funds were being used to construct TCH. I believe the use of E&G carry forward funds was disclosed by Tracy Clark in e-mails to Dale Whittaker and in reports she annually prepared for the Board of Trustees. This was not something that anyone considered to be illegal, immoral, or wrong at the time.

My superiors who directed the use of the funds thought we might take an "audit hit." However, they felt their actions were legally justified and could be supported. No one thought they were doing anything wrong then, and I do not now know that they did. We all did our jobs to protect the health and safety of UCF students and faculty and to save UCF money. That was our job, and we did it the best we could.

So the record is clear and not concealed. I refer you, as I did the investigators, to the Trevor Colbourn Hall Building Program, which was signed off by thirteen people, including the President and the Provost. Page 26 of that report clearly states that the \$38 million to construct TCH originated from of E&G carry forward.

I have had communications with Board of Governors' staff, who advised that carry forward funds could be used on projects, and I have spoken with many representatives of other State universities who also used E&G carry forward funds for capital projects. They also routinely use those funds to purchase furniture and other non-education specific items. There is apparently a miscommunication between the Board of Governors and all of the universities. We are regularly told to spend down E&G carry forward. This is not an issue that is black and white, and it is not limited to UCF.

I request that this be placed in the public record concerning the ongoing investigation, along with your letter to me.

