

STEPHEN F. HUMPHREYS, PC
ATTORNEY AT LAW

P.O. Box 192
Athens, Georgia 30603
athenslaw@gmail.com
(706) 207 6982

The Honorable Nathan Deal
Office of the Governor
203 State Capitol
Atlanta, Georgia 30334

September 13, 2016

via fax 404 657 7332 and FedEx

Dear Governor Deal:

Attorney General Sam Olens has now shown the most questionable judgment yet in impeding our efforts to address documented allegations of criminal wrongdoing in the University System of Georgia (USG). In an attempt to thwart our efforts to promote government transparency and accountability in our state system of higher education, Olens sought an order from the U.S. District Court for the Northern District of Georgia barring us from practicing in the state and federal courts of Georgia.

In addition to raising serious Constitutional issues of due process and the right to petition, this ill-conceived effort raised a serious conflict of interest on the part of the Attorney General—who is at the same time attempting to block any investigation of wrongdoing in his own office in connection with the alleged USG malfeasance. What is even more disturbing is that Olens based this unprecedented gambit, intended to suppress claims exposing corruption in our state government, on misrepresentations to the U.S. District Court.

In a pleading filed in Federal Court on September 8, 2016, Olens conceded that there was no basis for his attempt to bar any attorney from practice or hinder the legal recourse available to the citizens of Georgia. In fact, the orders entered by Fulton State Court Judge Susan Edlein—that Olens accused us of defying, as the basis for the order he solicited to bar us from practicing in Georgia—had long since been reversed and vacated.

Olens misrepresented to the federal judge that these orders, which are in fact null and void, were final state court adjudications that barred the plaintiffs and their attorney from pursuing claims against the USG and Attorney General.

We have previously written to you to request the appointment of a special investigator pursuant to your authority under OCGA 45-15-18 to look into serious wrongdoing in the University System of Georgia (USG)—in particular, at the University of Georgia and the former Georgia Perimeter College—disturbingly similar to the financial improprieties that recently made news at Kennesaw State University.

Though you have not responded to the previous correspondence and documentation supplied, we are writing again to apprise you of the worsening situation in which the Attorney General, who should be addressing these issues, is increasingly compromised by conflicts of interest and is therefore stepping up his efforts to obstruct any independent investigation of wrongdoing in his office.

For your reference, the prior letters requesting an independent investigation were dated October 31, 2014, January 15, 2015, April 14, 2015, and March 7, 2016.

In this previous correspondence, we sent you documentation of knowing falsification of state agency reports (admitted by the Attorney General), evidence tampering, improper influencing of witnesses, perjury, identity fraud, mail fraud, wire fraud, and computer fraud within the USG. We believe that significant financial malfeasance, similar to what has recently been exposed at Kennesaw State University, is underlying this documented pattern of deception within the USG. At Georgia Perimeter College alone we have identified at least \$9 million of taxpayer money that cannot be accounted for—with a high likelihood that the taxpayers have been the victims of yet another instance of theft by deception committed by state officials.

In each instance, the Board of Regents of the USG, for whom the Attorney General serves as legal counsel, has either refused to investigate or issued a report blaming the school president for the fiscal oversight failings of the USG. Attorney General Sam Olens has gone so far as to state repeatedly that former Georgia Perimeter College (GPC) President Anthony

Tricoli should have personally examined the actual ledgers and work papers of GPC and USG budget officials to ascertain that they were falsifying their financial reports to him.

Moreover, the Attorney General, who would normally be tasked with investigating these matters, has repeatedly refused to investigate, dismissing the allegations as “outlandish conspiracy theories” and says there is no evidence to support them. In apparent contradiction, the Attorney General has also falsely claimed that these matters have already been fully investigated.

In the original incident that started bringing the University System-wide malfeasance to light, former UGA President Michael Adams prevailed on the Attorney General to bring a tenure revocation action against Professor Dezso Benedek. Benedek was a vocal critic of Adams at the time, based on the Deloitte & Touche audit commissioned by the UGA Foundation that found significant financial and even criminal improprieties in the Adams administration. This attempt to revoke the tenure of a vocal critic failed miserably when it was proven at a three-day evidentiary hearing that the charges against Benedek were knowingly false and based on evidence tampering and perjury.

It is well-documented that the Attorney General’s office was directly involved in these illegal actions. For example, the Attorney General concealed a UGA memo that contradicted the charge against Benedek related to a study abroad program at Jilin University in China. When Benedek’s counsel independently procured a copy of the memo and produced it at the hearing, UGA witnesses called by the Attorney General to testify against Benedek admitted under oath that the Attorney General was in possession of the exculpatory memo prior to the hearing, but failed to disclose it as required by the discovery rules in effect for the hearing.

The Attorney General also attempted prior to the hearing to suppress correspondence to the UGA Provost in which Eotvos Lorand University (ELTE) confirmed the authenticity of its own transfer credit transcripts for UGA students attending the Maymester in Budapest program—transcripts Adams and Attorney General inexplicably accused Benedek of forging, in spite of ELTE’s confirmation.

In addition, in response to Open Records requests, UGA falsely denied the existence of UGA correspondence showing that Michael Adams knew of a scheme to send out false correspondence in the names of UGA students--even using the students' Social Security numbers, without their knowledge or permission—in an attempt to manufacture evidence that Benedek had forged the transcripts (again, in the face of ELTE's confirmation of the transcripts' authenticity).

Once again, Benedek's counsel independently obtained the supposedly non-existent UGA records, proving that the these and other exculpatory documents denied by the Attorney General, did exist and were, in fact, in the Attorney General's possession at the time their existence was denied.

The records also show that UGA officials logged on to computer databases in the names of the UGA students, in an attempt to manufacture evidence in place of the documents that were being concealed. State officials, led by the Attorney General, subsequently interfered with a federal investigation of these violations of student privacy law—which also violate state and federal criminal identity fraud, wire fraud, mail fraud, and computer fraud statutes.

Documentation of these felonies was supplied to the Board of Regents, which did not review it according to the USG Vice Chancellor for Legal Affairs at the time.

In the resulting litigation—in which the plaintiffs sought to name the Attorney General as a defendant, and in which Olens defended the state officials charged with criminal conspiracy—Fulton State Court Judge Susan Edlein repeatedly barred claims from even being filed against Olens.

This stalemate continued for three years, without either Olens or Edlein disclosing their close personal, political, and financial connections. When the Olens-Edlein connection came to light, Edlein denied a motion to recuse on the false grounds that the motion was not supported by the required affidavit (contrary to the public court records) and even sought to bring claims for monetary damages against Benedek's attorney, even though the claims were explicitly barred by statute.

Judge Edlein also took such highly unusual steps--to protect the defendants--as barring, in an ex parte order, the deposition of Michael Adams concerning the documents tying him to the evidence tampering scheme in the failed tenure revocation attempt. This, of course, also shielded the Attorney General from culpability and, given their close undisclosed association, Edlein should have never presided over the case and the Attorney General never should have concealed their close association.

In a similar vein, Attorney General Olens moved last week for a court order to bar the deposition testimony of UGA employees--who will testify under oath that the Attorney General advised the witnesses called to testify against Benedek that they could give knowingly false testimony, contradicted by UGA records that they were attempting to conceal from Benedek's counsel, because they would be protected by sovereign immunity.

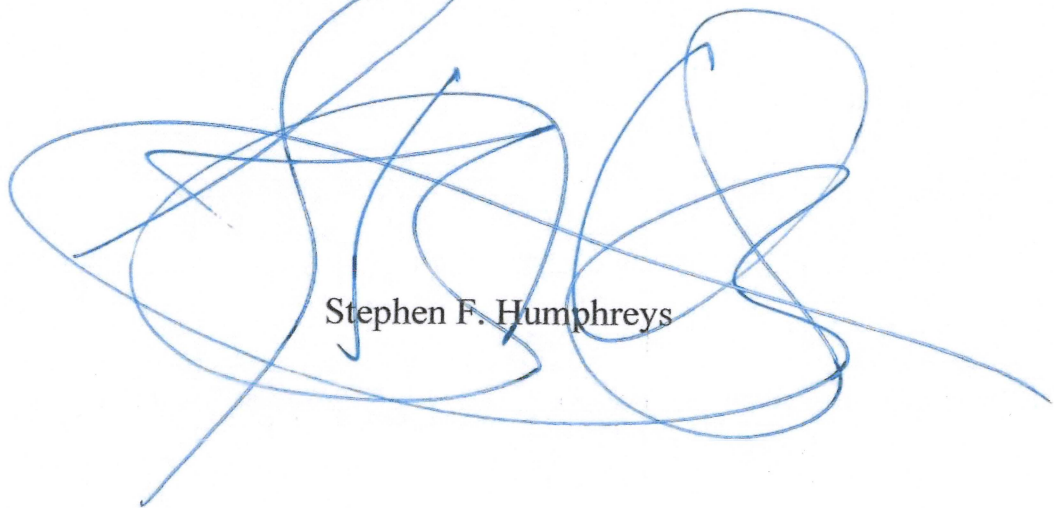
This premeditated use of sovereign immunity protection as cover for criminal conduct by state officials is a matter of serious concern. Obviously, this testimony would also torpedo the oft-repeated claims of Attorney General Olens, that the allegations of wrongdoing are nonsensical and there is nothing to investigate, as a knowing misrepresentation.

It is increasingly evident, also taking into consideration the Attorney General's misbegotten attempt to bar any attorney from pursuing lawful claims in the courts of Georgia, that the Attorney General cannot and will not perform his constitutional duties in investigating and prosecuting these matters, that he is increasingly embroiled in defending his own self-interest and is clearly not representing the best interests of the people of Georgia.

Therefore, we respectfully once again request that you appoint a Special Attorney General to investigate these matters, in the best interests of the State, pursuant to your authority under OCGA 45-15-18.

Thank you for your time and attention to these important matters.
Please let me know if you have any questions or if I may be of any
additional assistance.

Sincerely,

A handwritten signature in blue ink, appearing to be "SFH", is written over the printed name "Stephen F. Humphreys". The signature is stylized with large loops and a long horizontal stroke extending to the right.

Stephen F. Humphreys

enclosures:

March 7, 2016 letter requesting independent investigation
April 14, 2015 letter requesting independent investigation
January 121, 2015 letter requesting independent investigation
October 31, 2014 letter requesting independent investigation