

From: Antonia Allen
Sent: Wednesday, July 3, 2019 11:03 AM
To: John Meyer
Subject: RE: Woodring Internship Irregularities Investigation - FINAL DRAFT
Attachments: B7.4.2 Phone call notes - Adam Shanedling.docx

Hi John,

For your mulling and more detailed awareness of the other advice that I received, please see the attached notes from OIA's phone meeting with the OIG. I discussed the phone call content, especially the OIG's interest in adequate management actions, with the Provost shortly after we finished the call. Please note that management (especially the Provost and the VP of ESS) have been very cooperative during this investigation, and I believe that their responses to the report recommendations will be appropriate/adequate. Please let me know if you have any additional questions.

Thank you,
Antonia

From: Antonia Allen
Sent: Sunday, June 30, 2019 4:06 PM
To: John Meyer <meyerj8@wwu.edu>
Subject: RE: Woodring Internship Irregularities Investigation - FINAL DRAFT

Hi John,

Sorry I didn't really give you much of the back story with this case. I just wanted you to be aware that I had received Ms. Nelson's contrary advice.

In brief, Clara Capron, Assistant Vice President for Enrollment and Student Services in charge of WWU's Financial Aid made the determination based upon her expertise and experience that this incident needed to be reported to the OIG. She routinely reports to the OIG as required when incidents such as this arise. After she reported this information to the OIG, we had a phone meeting to discuss the case in detail with Adam Schanedling, the Special Agent in Charge of the U.S. Department of Education's Office of Inspector General's Western Regional Office. I am not sure if Adam is a "qualified attorney" but he is the primary expert on whether the OIG determines actions are financial aid fraud and what should be reported to the OIG. Based upon the facts that Clara provided and additional details that we provided Adam he confirmed that this case was "absolutely fraud and must be reported to the OIG". I feel that I can rely on the advice of these two experts and both are contrary to Ms. Nelson's opinion. Please see the attached emails for some of the backup that we have in writing. Hope this information helps. Please let me know if you have any additional questions.

Thank you,

Antonia
503-702-8781

From: John Meyer <meyerj8@wwu.edu>
Sent: Sunday, June 30, 2019 10:37 AM
To: Antonia Allen <allena32@wwu.edu>
Subject: Re: Woodring Internship Irregularities Investigation - FINAL DRAFT

Sorry to be so late to respond, but I have been mulling over this. Do you have legal advice, written or otherwise, from a qualified attorney that differs from Ms. Nelson's opinion?

John M. Meyer

From: Antonia Allen
Sent: Wednesday, June 19, 2019 4:00:49 PM
To: John Meyer
Cc: Sabah Randhawa
Subject: Woodring Internship Irregularities Investigation - FINAL DRAFT

Hi John,
I hope everything is going well for you. I just sent a copy of the final draft report for the Woodring Investigation to the FARM Committee members by a separate email.

I would like you to be aware of additional issues related to the legal counsel that I received during this investigation. I have attached to this email the legal advice memo and related correspondence that I received from Ms. Melissa Nelson, AAG. I would like to point out that the legal advice provided by Ms. Nelson promotes actions that violate federal reporting requirements. Violating these reporting requirements jeopardizes both the University and its employees. In addition, Ms. Nelson took it upon herself to conduct her own investigation interviewing subjects and providing advice to key stakeholders while my investigation was ongoing, resulting in substantial interference in my investigation. Based on this conduct and other advice/comments that I have received from Ms. Nelson, I have notified Kerena Higgins & Ms. Nelson that Ms. Nelson is no longer to be involved with my department. I am in the process of requesting that Kerena be assigned to my department as legal counsel instead of Ms. Nelson.

I consider this type of conduct by Ms. Nelson to be a risk to this university and its employees and am therefore reporting it to you as chair of the FARM Committee.

If you would like to discuss this further, please contact me.

Thank you,

Antonia

Antonia Allen

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Phone call with Adam Shanedling from the OIG.

5/28/19 10:00 AM

OIA sent the OIG an email on 5/23/19 asking for clarification regarding whether or not the practices surrounding ELED 494 constitute fraud as defined by the OIG and 34 CFR 668. OIA requested this clarification in response to receiving legal advice from Melissa Nelson in the AAG's office, which appeared to contradict federal guidance and downplay the significance of the identified practices.

Adam responded. *Hey Paul, thanks for reaching out. Give me a call and we can discuss the matter. This is definitely fraud and must be reported to the OIG.*

Adam called OIA on 5/28/19 to discuss the case further.

We discussed with Adam the legal advice that we received indicating that this situation did not rise to the level of fraud, misrepresentation, etc. and that there were risks to reporting to the OIG when the situation was not of a sufficient level to report. Adam reiterated that the situation was indeed fraud even if there was no dollar impact and that it needed to be reported. He said that he had seen another attorney that advised this way thinking that it protected the university, but it was the wrong advice and didn't end well for them. He suggested that we find another attorney. He also suggested that there was another law that applied to this situation specifically, [20 U.S.C. §1097](#) – Criminal penalties.

During the conversation, he made the following statements:

- *Hate to see people go unpunished.*
- *Hate to see these people just walk away.*
- *Make sure that the government is made whole and that the appropriate people are punished.*
- *Interested to see how the school responds.*

He also indicated that if the university did not take appropriate actions that he could see this being a case for suspension or debarment from the Title IV program.

Adam wants to see our report after it is finished. If investigators are sent to WWU, they would most likely be from the U.S. Attorney's Office or the District Attorney's Office in Washington State.