

1203 Colby Drive
Davis, Ca. 95616

Honorable David Rosenberg
Judge, Superior Court
725 Court Street
Woodland, CA 95696

31 May 2005

Dear Judge Rosenberg:

I am the principal co-founder of D-Q University, having written virtually all of the proposals for the university beginning in c. 1961 and being the author of most of the applications which the initial board submitted to the US government in 1970-72. I also was a member of the original Board of Trustees along with David Risling Jr., and Kenneth Martin. I am sure that you have seen my book, NATIVE AMERICAN HIGHER EDUCATION: THE FOUNDING OF D-Q UNIVERSITY which contains all of the early documents relating to the school.

I am not currently a member of the board at D-Q University but I have been closely involved with the college at different times, and especially since the Spring of 2004 when President Morgan Otis resigned.

I do possess a direct interest in what transpires at DQU since I made a gift to the University of some \$10,000.00 in the early 1990s in the form of a perpetual Dorothy Forbes-Felland Scholarship Fund. This fund provides a small number of scholarships for female students at DQU from the accumulated interest.

At the present time I do not know how much is in the fund because no staff exist in the accounting office of DQU and, in fact, no staff exist at all. But I assume that the amount should be well in excess of the original \$10,000.00.

I am concerned about the safety of this scholarship fund, which is part of the permanent endowment of DQU. Since no one exists at DQU who knows anything about this fund, or, indeed, about any

other funds at DQU, I feel that it is in great danger of being used for whatever expenditures the board appointed by you chooses to make.

I trust that you are now in the position of being the fiduciary trustee for DQU since you wiped out the old board (what I call the legal board) and, as a result, have left DQU without any staff or any persons knowledgeable about the legal obligations as regards scholarship funds. It is my understanding that the new board or its allies have moved very quickly to close out bank accounts and thus I fear for the safety of the Forbes-Felland Fund. My gift to DQU was made with the proviso that if DQU ever failed, then the fund would go to another educational institution.

One rumor has it that the new board or its allies may wish to declare bankruptcy at DQU and liquidate the college's assets. This is only a rumor, however, and my concern here is that the new board and its associates may be totally ignorant of the obligations which they have towards the Forbes-Felland Fund.

My confidence in the new board was shaken when, I am informed, the four members (or a majority of them) chose to add Greg Irons and Lynn Brown as two student representatives, even though it is my understanding that Ms. Brown graduated in December and is not a DQU student by any definition. Her brother Greg (as I understand) was only a first-year student at DQU for one semester and would not be eligible under the DQU By-Laws (as I recall them) to serve.

But what really concerns me is that the Interim President, Victor Gabriel, as I understand, was ordered by new vice-chair Lois Whipple in a telephone call to turn all DQU keys over to Greg Irons, the ex-student. Gabriel refused to do so unless he received a written order, as I am told. This is because the administration building, which the "legal or de facto " board was trying to defend against the student rebels, occupiers, squatters, and other outsiders, houses all of the confidential student records, confidential financial records, business and academic records, correspondence, et cetera of DQU, as well as valuable equipment.

I believe that it was irregular as well as unwise to turn all such material over to a young, inexperienced student and especially one who had been a rebel against the board and administration from at

least January 2005. This student had, after all, been in open defiance of the administration including, for a brief time at least, the very board members whom you have chosen to designate as the new board.

Now, Mr. Irons may be a very fine young man. However, the protection of the confidential student records and the other assets of DQU should never be left in the hands of such a person. Can you imagine the potential for students going into the records and changing information or discarding records? I would argue also that a complete accounting for all of DQU's computers, video cameras, printers, and other items of equipment should have been an integral part of any transfer of authority. This all should have been carried out under your direct supervision. As it is now, anyone can accuse anyone of the loss of resources.

A thorough inventory of the dormitories occupied by the ex-students and by squatters (allies) should have been carried out to make sure that all of the computers and other furnishings were intact and were not being stolen or misappropriated.

I am bringing all of this to your attention because you, in throwing out the "de facto board" and appointing a new board, launched DQU on a new and unknown path with no provisions that I am aware of for fiduciary responsibility over campus assets, bank accounts, and resources. But I believe that you have made yourself, in fact, the responsible person.

The Western Association of Schools and Colleges has very specific rules about what board members can and cannot do. When your board dispensed with the Interim President they allowed a student representative to the new board to assume executive responsibility over the assets of the university. Such action is prohibited by WASC since board members are not supposed to have any administrative functions. I do not know who, in fact, assumed control over DQU's bank accounts but I am very worried that the Forbes-Felland Fund and its accrued interest may be spent improperly.

It is my request that you take another look at your decision, with a view to asking if the new board has behaved in a responsible manner, if the student representatives (who are not students

according to the By-Laws) are legitimate and can be utilized as persons to be in charge of confidential records and other valuable property.

In short, I am asking you to set in motion procedures to insure that DQ University is not stripped clean of its assets and that its scholarship funds and confidential records are protected, even if this means reviewing your choice of persons for membership in the new board.

I might add, that I refer to the new board as “new” because, in my opinion, it never existed in the real world before, since one member’s term had apparently expired in December 2004, one member has since passed on, two members subsequently resigned, and so on. I would also point out that the “de facto board” had every right to hold emergency meetings under the By-Laws, as I recall them, and to not notify persons whom they assumed had left the board by virtue of the end of their term or by virtue of their joining a rival board.

Nonetheless, I am not suggesting that the “de facto board” and staff did not make mistakes, but one has to bear in mind that they faced the constant threat of harassment and chaos created by the student and outsider occupation and invasion. They also feared that the administration building might be broken into, even as the cultural arts building had its locks broken twice, with forced entries. With staff sometimes sleeping overnight in the administration building to protect records, one must understand the pressure facing the “de facto board” and the very few staff (who were forced to take on multiple functions, including record-keeping and sending out notices).

Judge Rosenberg, I believe that a tragic injustice has been done, but here I am primarily concerned with the unfolding tragedy which we may be witnessing in terms of the potential destruction of DQU and the violation of its obligations of student record keeping and protection of resources, scholarship funds, and assets.

Sincerely yours,

Jack D. Forbes, Ph.D.