

THE
BOARD OF
LARAMIE COUNTY
COMMISSIONERS

CORDIALLY INVITES
YOU TO ATTEND THE

LARAMIE COUNTY
ARCHER COMPLEX
GROUNDBREAKING

ON
AUGUST 2ND, 2010
1:00 P.M.



THE ARCHER COMPLEX IS LOCATED
EAST OF CHEYENNE,
SOUTH OF INTERSTATE 80
VIA THE ARCHER EXIT #370

Board of Education Candidates

If it weren't for bad news, there would be little news at all concerning public education in Wyoming and Cheyenne. PAWS testing turned out to be a joke and, doubling down with a still bigger joke, the "tester" issued a poorly written and even more credible prepared "apology."

There is no way the State can do worse in the upcoming election for a Superintendent of Public Instruction than the incumbent. Proving that few support Jim McBride's re-election, about the only homes that have allowed McBride yard signs are Department of Education employees. McBride is notorious for expecting employees to place his yard signs - to the extent of having them available when he addresses a group of other educators and "inviting" them to take a yard sign or eleven for their yards.

Voters get their first shot at the State Superintendent in the primary election cycle which will end on August 17th. Voters will not have an opportunity to make the necessary changes to the LCCC board (I'll withhold judgment on the LCSD1 and LCSD2 boards for now) until the general election in November.

But, it is critical that candidates come forward to challenge at least the two men whose LCCC seats are up for election this year (assuming they will run again). The filing window is August 4-23. Now is the time for at least four candidates to make plans.

Students vs. Warren National - litigation by the page/pound

The case file on this lawsuit spends more time in the judge's chambers than it does on the shelf in the District Court office.

As I predicted, it has become a battle of attorneys.

And the strategy has become clear. At least to me, it has. The 190 former students who initiated and joined in this pursuit probably won't agree.

One thing that anyone who reviews the case file will agree on is that the litigation has become one between attorneys for the former students and attorneys for Traveler Casualty and Surety Co. of America. Warren National University (Kennedy-Western University) and the principals of that unaccredited degree seller are now almost forgotten defendants.

And to say that the case is moving at a snail's pace would exaggerate a snail's speed. It is moving at glacial pace.

While the case file has grown to six volumes, the legal wrangling has led to few decisions and/or rulings by the judge.

It takes Mayor MaybeSM less time to make a decision than to see progress in this case. But, it is not the judge's fault. Attorneys for the plaintiffs have been as responsible, if not more so, than the two groups of attorneys representing the blocs of defendants, in bogging down this litigation.

Yesterday, I was able to review volumes 3-5. They have resided in the judge's chambers for the past several weeks and through the cooperation of the District Court office, they were able to retrieve them long enough for me to make a quick review.

Interestingly, it appears that both sides have agreed to winnow down the cumbersome number of plaintiffs to a manageable number by selecting what is called a group of ten "representative plaintiffs." The lead (name) plaintiff in this litigation is not one of the ten. That seems odd but the plaintiffs attorneys must have had a reason for their selection. Obviously, the defendants are not stuck with those ten - they will propose a list of their own. The judge, sometime between now and the next biennium, will somehow arrive at a list of ten so the case can proceed.

Gridlock in the case is the result of the plaintiffs zeroing in on Travelers. As I predicted here before, there is probably no money to be had from the principals or the defunct corporation so the only deep pockets in this matter will be Travelers. That company provided the bond that was required by the State of Wyoming for these disreputable degree sellers to operate under our protection. Legislators absolutely loved these outfits. Junkets to exotic destinations around the world beckoned Wyoming's legislators. And they accepted the ride-alongs. Pretending to make some sort of unreported "inspections" of operations in TimbukTu, legislators fought fiercely to provide a safe haven and allow these outfits to continue to operate from Wyoming. One piece of legislation allowed twenty (20) years for the unaccredited degree sellers to become accredited, during which time they were welcome to continue to fleece "students" around the world from a Wyoming address. Some just hated to lose this "industry."

The dispute has now come down to what the bond was to provide. It seems obvious to this observer, a person who despised the operations of WNU, Preston University, Newport International University and their ilk, and sides with the students, that the bond was an aggregate bond, not an individual bond.

The plaintiffs attorneys are arguing that the bond amount meant for each student, not for all. For that to be correct, those attorneys will have to convince this judge (and later the Wyoming Supreme Court) that the varying bond requirements, once \$50,000, then \$100,000, lastly \$10,000, meant that every student of WNU was covered by that amount - that the amount was not an aggregate for all.

What troubles me about this approach is that it twists the claim to being against Travelers and now ignores the real miscreants, the founder and officers of WNU and, before Warren National, Kennedy-Western University. When the former students filed their lawsuit, I thought it would result in the unaccredited degree sellers finally being judged. Now, it is headed in a direction that will judge the poor wording of the Wyoming Legislature, with the principals of WNU whistling toward hiding.

K-WU / WNU claimed to have several thousand "students" at any one time. If the bond requirement was even \$10,000 per student, a total bond upwards of \$25,000,000 would have been required. The Wyoming Department of Education never required such a bond and Travelers never provided one nor collected premiums on such a bond amount.

It is certainly worth a try by the plaintiffs attorneys, especially if they've found out that Saltman, Patterson and Fletcher either have no money or have sheltered it in such a way that it would be unavailable for payment or attachment. Everything rides on collecting whatever the attorneys can for the former students from Travelers Casualty and Surety Company of America. And for themselves.

This battle was not against Travelers. And I hate to see it become such a battle. Plaintiffs attorneys may have "their eye on the prize" but not on the villain.

To convince this judge (Davis) and then, if successful, the Supreme Court, that their assertion the bond amount was per student and not aggregate for all students, plaintiffs attorneys will have to explain how the earlier requirement under Wyoming statutes that "degree granting post secondary institutions" (without accreditation, of course) be bonded in varying amounts, depending on enrollment.

It doesn't seem to me that a reasonable person would buy into the earlier statutory requirement of bond amounts of \$10,000 (enrollment 0-10), \$25,000 (enrollment 11-20), and \$50,000 (enrollment 20+) believing that the per student protection grew with the size of the enrollment. In other words, a degree granting post secondary institution covered under the statute having but 8 students would have \$10,000 per student bond coverage but a similar operation with 2,500 students would have \$50,000 per student bond coverage. That makes no sense. It wasn't so.

It is typical for Wyoming statutes to be vague and ambiguous and that is when the Supreme Court makes the ultimate decision. It would then come down to "intent" of the legislation and no one would believe that the Legislature wanted to impose bonding requirements on their friends at WNU or Preston of \$125 million (\$50,000 x 2,500 students).

It appears that the prosecution of this claim for the students is on the defensive. Traveler's attorneys, when they suggested sanctions, wrote: "[there] appears to be a pattern of delay that seems to infer the Plaintiffs' ability to provide information about claims."

Minor matters may be addressed in the interim, but the next significant hearing is December 1, 2010.