

December 18, 2009

Mr. Flanders

Re: Earl Pettit v. Douglas School District

Dear Mr. Flanders:

This letter constitutes my request for assistance, including advice from legal counsel under the Trust Prepaid Legal Program in references to a letter from Anne Carl, Cochise County Deputy County Attorney, sent to Douglas Board Members.

In her letter, Ms. Carl accuses me of making a false statement regarding her involvement in an investigation directed by the Board. Ms. Carl accuses Governing Board Member Susan Kramer of not abiding by the Board action, saying she ignored the Board's cost and availability criteria when hiring an investigator. Ms. Carl further accuses the Human Resources Director of making a commitment of funds on behalf of the District knowing full well that the HR Director does not sign purchase orders or commit funds. Ms. Carl makes claims that she is the attorney for a special action of a termination proceeding even though the initiator of the action, the Governing Board, never approved her to be and, in fact, stated in public meetings how such investigation must be conducted by a person outside of Cochise County. All of her statements are untrue.

Ms. Carl has volunteered and advised to Board Members regarding KGUN Channel 9's attempts to gain public records and she has advised them regarding matters reviewed by Mangum Wall Stoops & Warden. On several occasions, Ms. Carl has solicited agendas from the Governing Board Secretary despite contrary instructions to the secretary. There are several instances where Ms. Carl has provided services not requested and has injected herself into matters when not requested. Ms. Carl has advised Board Members concerning public records issues despite these matters being addressed by another law firm. There are several pending public records requests that have gone unfilled or without reply, all from three Board Members who have received advice from Mangum Wall Stoops & Warden to comply with requests. These three Board Members have never responded to these requests and you can see from billing that Anne Carl is providing advice to at least one of these persons.

It is apparent that Anne Carl is not representing the interests of the District, but the interests of certain individual Board Members, particularly when she makes accusations and conducts investigations to reach prearranged conclusions, having not been expressly authorized or given any authority to do so other than her work with a single Board Member. Her accusations against me and other employees of the District and Board Members do not protect the District or serve to limit the District's liability. It is my opinion that such actions enhance liability. Most

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recently, Ms. Carl has diverted an investigative report to herself, prepared by the District's retained outside investigator. It appears to me that Ms. Carl has a substantial conflict of interest and may be part of a concerted effort and even a conspiracy to have me and other employees and Board Members removed.

I request you to take action to assure that our legal services are provided by the law firms who have been designated to provide such services. I am also informed that other law firms, including DeConcini McDonald and Jones Skelton & Hochuli have provided legal advice to the District, including the Governing Board, which has not been followed or ignored because of Ms. Carl's actions. I am informed by my counsel, which I understand has been confirmed by counsel to KGUN Channel 9 in Tucson, that there is no legal authority for a county attorney's office to charge for legal services provided to school districts or even participate as a member of prepaid legal services on a fee basis. If I am mistaken, please inform me what authorizes fees to be charged by a county attorney's office. I understand this matter is being legally investigated, and could bring significant embarrassment to this county, as well as your entity. I am also enclosing a copy of a letter I received, as well as others, from a Douglas resident. This person is not necessarily a supporter of mine, but I would have to say his comments are right on point regarding Ms. Carl and the County Attorney's office. I trust you will take appropriate action to have these matters addressed. Again, I ask that you provide us legal assistance through the Prepaid Legal Services Program, other than through the Cochise County Attorney's Office, preferably through MWSW, who appears to be forcing themselves upon the District. Thank you for your time.

Sincerely,

Earl Pettit  
Superintendent, Douglas Unified School District

**Earl Pettit**

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**From:** John Flanders [jflanders@the-trust.org]  
**Sent:** Tuesday, January 12, 2010 4:20 PM  
**To:** Earl Pettit  
**Subject:** RE: Fax Server: Fax Received - From: '520 224 2430' To: 'John Flanders'

Mr. Pettit:

I apologize for not responding to you sooner. I did speak with Anne Carl and Britt Hanson last week regarding their services under the Pre-paid Legal Program to Douglas Unified School District. With exception of one service request while you were on vacation in Asia, Ms. Carl assured me that all service requests were made by an authorized user of the program, primarily board president Chuck Hoyack. She assumed that the administrator who was substituting for you while you were away had the authority to make service requests in your absence. The service request would have been authorized had you or another authorized user requested it. Also, until recently when we received your fax indicating the district's primary legal provider selection as Mangum Wall Stoops & Warden, our records indicated that Cochise County Attorney's Office was the district's primary legal provider. Nevertheless, the program does not limit the number of attorneys from the panel of attorneys that a district can use, including the number of primary legal providers.

In regards to any duplicative services by MWSW and the county attorney's office, Ms. Carl's explained that she has been addressing different aspects of the public records requests than MWSW. As I understand it, she has been addressing KGUN's requests for a report by P.C. Cooper for the most part.

I am not sure I understand the nature of your request for "Special Legal Counsel." Your December 18, 2009 letter requested assistance in references to a letter Ms. Carl sent to the district's board members. I assume you meant the enclosed December 17, 2009 e-mail she sent to the board members concerning P.C. Cooper's investigative report, in which you were a cc recipient. Can you please elaborate on the nature of your request and who you would like to assist you? If you prefer, you may contact MWSW or another law firm on our panel directly to assist you. That law firm will contact me if there is a question regarding coverage for the service request.

Thank you.

John Flanders  
Telephone: 602-200-2406  
Fax: 602-200-2441

-----Original Message-----

**From:** Earl Pettit [mailto:epettit@dusd.k12.az.us]  
**Sent:** Tuesday, January 12, 2010 8:05 AM  
**To:** John Flanders  
**Subject:** RE: Fax Server: Fax Received - From: '520 224 2430' To: 'John Flanders'

Mr. Flanders,

I have not received a reply from you in reference to the questioned billing and possible unauthorized use of Pre-Paid legal services by persons not included or delegated by the District. I further now read in the media that this matter has been resolved and that I was on "vacation." Please inform me of decisions concerning the District and administration of the Pre-Paid Legal Program and note that I was not on vacation during the times of the activity. This is not completely accurate.