

**IN THE SUPERIOR COURT
OF FULTON COUNTY
GEORGIA**

DEZSO BENEDEK and ANN BENEDEK,)

Plaintiffs,)

vs.)

**SAM OLENS the ATTORNEY GENERAL OF)
GEORGIA, JANE GATEWOOD; JUDITH)
SHAW; KASEE LASTER, and NOEL)
FALLOWS)**

Defendants.

CIVIL ACTION NO.

JURY TRIAL DEMANDED

COMPLAINT FOR DAMAGES

Comes now Plaintiff Dezso and brings this action under OCGA §16-14-1 et seq. (Georgia RICO for damages caused by concerted reprisals and retaliation intended to kill his academic programs and destroy his career through a pattern of criminal predicate acts by Defendants, up to and including the malicious fabrication and dissemination of false allegations and false evidence against Dr. Benedek with the intent to injure him--economically and not merely by reputation—in a pattern of illegal activity under the RICO statute including acts of evidence tampering, identity theft, identity fraud, false statements to state agencies, perjury, subornation of perjury, and mail and wire fraud by which Defendants created misrepresentations that harmed the Plaintiffs. Use of these misrepresentations for purposes of a subsequent tenure

revocation action against Dr. Benedek resulted in additional acts of evidence tampering, false reports to a government agency, perjury, and subornation of perjury, as part of the same conspiracy to harm Plaintiffs.

Parties and Relevant Persons

1.

Plaintiff Dezso Benedek is a tenured professor at the University of Georgia (UGA) who resides in Athens, Georgia.

2.

The Attorney General of Georgia is a constitutional officer of the State of Georgia, serving as the top law enforcement officer of the state.

3.

Thurbert Baker was the Attorney General of Georgia at the time of the events of the complaint. Sam Olens is now Attorney General and has been since the filing of Plaintiff's original complaint on February 15, 2013. The Attorney General of Georgia is sued as a government entity pursuant to OCGA §§16-14-1 et seq (Georgia RICO at OCGA 16-14-3(6)). Individuals in the Attorney General's office including the Attorney General himself and the former Attorney General may be personally and individually liable for violations of the criminal code under the RICO statute.

1.

Rebecca Mick is the Assistant attorney General who prosecuted the attempted tenure revocation action against Plaintiff.

2.

Mac Collins, Bryan Webb, and other attorneys in the Attorney General's office have prepared pleadings related to this matter containing misrepresentations of law and fact in the course of defending the criminal violations of the Attorney General and his co-defendants in a civil proceeding. The pleadings containing misrepresentations have been signed by other attorneys in the Attorney General's Office, including Attorney General Sam Olens.

Michael Adams was President of the University of Georgia at all times relevant to this action.

3.

According to Regents Policy, all UGA officials acting in a tenure revocation proceeding are designated representatives of then-President Michael Adams, including for purposes of OCGA §16-14-4(b).

4.

Arnett Mace was Provost at UGA at times relevant to this complaint.

5.

Clifton Pannell was a dean in the School of Arts and Sciences at UGA when an agreement was reached to issue transfer credit from Eotvos Lorand University of Budapest (ELTE) for Professor Benedek's Maymester in Budapest program pursuant to a UGA-ELTE Cooperative agreement.

6.

Noel Fallows is a dean in the School of Arts and Sciences at UGA, sued in his individual capacity pursuant to OCGA §16-14-1 et seq (Georgia RICO).

7.

Judith Shaw is a resident of Athens, Georgia who worked as director of the UGA Office of Internal Education at times relevant to this complaint, sued in her individual capacity pursuant to OCGA §16-14-1 et seq (Georgia RICO).

8.

Kasee Laster is a resident of Athens, Georgia working in the UGA Office of International Education, sued in her individual capacity pursuant to OCGA §16-14-1 et seq (Georgia RICO).

9.

Jane Gatewood is a resident of Athens, Georgia working in the UGA Office of International Education, sued in her individual capacity pursuant to OCGA §16-14-1 et seq (Georgia RICO).

10.

All defendants who are state employees sued in their individual capacity are jointly and severally liable with the relevant state entity by whom they are employed with respect to claims brought under Georgia RICO for their own conspiracy and criminal predicate acts in a pattern of racketeering activity under O.C.G.A. § 16-14-4(b). Likewise the Attorney General's office may be liable as a government entity and through its individual employees and officers.

11.

Kavita Pandit is Associate Provost for International Education at UGA.

12.

Randy Beck is a law professor at the University of Georgia who effectively chaired the initial review panel in the attempted tenure revocation action against Plaintiff.

13.

Sarajane Love was a professor in the UGA School of Law who chaired the hearing committee in the attempted tenure revocation action against Plaintiff.

14.

Arthur Leed is an attorney employed in the UGA Office of Legal Affairs.

15.

Steve Shewmaker was director of the UGA Office of Legal Affairs.

16.

Burns Newsome is Secretary and counsel to the Board of Regents.

17.

Kimberly Ballard-Washington is a former staff member of the UGA Office of Legal Affairs and then staff counsel to the Board of Regents.

18.

Donald Leeburn is a resident of Georgia who served on the Board of Regents at times relevant to this action.

19.

Thomas Hopkins is a resident of Georgia who served on the Board of Regents at times relevant to this action.

20.

Mansfield Jennings is a resident of Georgia who served on the Board of Regents at times relevant to this action.

21.

Kenneth R. Bernard is a resident of Georgia who served on the Board of Regents at times relevant to this action.

22.

Doreen Stiles Poitevint is a resident of Georgia who served on the Board of Regents at times relevant to this action who has given testimony under oath that the

Regents do not review the facts, issues, or documentation of cases brought to them on appeal.

23.

Ben J. Tarbutton III is a resident of Georgia who served on the Board of Regents at times relevant to this action.

24.

Kessell Stelling is a resident of Georgia who served on the Board of Regents at times relevant to this action.

25.

Larry Walker is a resident of Georgia who served on the Board of Regents at times relevant to this action.

26.

Frederick Cooper is a resident of Georgia who served on the Board of Regents at times relevant to this action.

27.

Willis Potts is a resident of Georgia who served on the Board of Regents at times relevant to this action.

28.

Phillip A Wilheit Sr is a resident of Georgia who served on the Board of Regents at times relevant to this action.

29.

Wanda Yancey Rodwell is a resident of Georgia who served on the Board of Regents at times relevant to this action.

30.

William NeSmith Jr is a resident of Georgia who served on the Board of Regents at times relevant to this action.

31.

William A. Rutledge Jr is a resident of Georgia who served on the Board of Regents at times relevant to this action.

32.

Frederick Cooper is a resident of Georgia who served on the Board of Regents at the time relevant to this action.

33.

Defendants in this action acted with the specific intent to injure Plaintiff through their RICO predicate acts in violation of the Criminal Code of Georgia.

34.

Upon information and belief, some or all of the named individuals are co-conspirators, whether named as defendants or not. Whether or not they are held individually liable, their acts form part of the conspiracy to injure Plaintiff whether by

RICO predicate acts, or any other delict described in this complaint or supported by the evidence adduced in this action.

35.

Plaintiffs reserve the right to amend the complaint to name as individual defendants any person named herein who, upon discovery in this action, proves to have committed, attempted, or conspired to commit any indictable act under RICO, or as an individual participating in a fraudulent enterprise for the purpose of harming Plaintiffs pursuant to OCGA §16-14-1 et seq (Georgia RICO).

Jurisdiction and Venue

36.

Plaintiff hereby incorporates and re-allege the preceding paragraphs as if set forth fully herein.

37.

A substantial part of the transactions giving rise to this action occurred in Fulton County and Defendant Sam Olens, Attorney General of Georgia resides in the county. Therefore, venue is proper in Fulton County pursuant to OCGA § 9-10-93 and § 16-14-11. Defendant Sam Olens is the Attorney General of Georgia, named in his individual capacity and as representative of the state agency responsible for the actions of its employees and agents, and may be served at the Office of the Attorney General, 40

Capitol Square, SW, Atlanta, Georgia 30334. The Attorney General has committed predicate acts of evidence tampering and subornation of perjury.

38.

Defendant Noel Fallows is Associate Dean of the Franklin College of Arts and Sciences of the University of Georgia and may be served at 0316 Old College, 215 Herty Drive, Athens, GA 30602. The Defendant participated in false accusations, perjury, false reports to a state agency, identity theft, computer identity fraud, mail fraud, wire fraud, and evidence tampering against Plaintiff Dezso Benedek including but not limited to a tenure revocation action against Plaintiff Benedek.

39.

Defendant Kasee Laster is Director of Education Abroad at the UGA Office of International Education at the University of Georgia and may be served at 1324 South Lumpkin Street, Athens, GA 30602. The Defendant participated in false accusations, false reports to a state agency, perjury, evidence tampering, and wire fraud against Plaintiff Dezso Benedek including but not limited to a tenure revocation action against Plaintiff Benedek.

40.

Defendant Jane Gatewood is Director of International Partnerships at the UGA Office of International Education at the University of Georgia and may be served at

1324 South Lumpkin Street, Athens, GA 30602. The Defendant participated in false accusations, perjury, and evidence tampering against Plaintiff Dezso Benedek including but not limited to a tenure revocation action against Plaintiff Benedek.

41.

Defendant Judith Shaw is the retired Associate Provost, Office of International Affairs, at the University of Georgia, residing in Athens, Georgia, and may be served at 466 Highland Avenue, Athens, GA 30606. The Defendant participated in false accusations, false reports to a state agency, evidence tampering, and perjury against Plaintiff Dezso Benedek including but not limited to a tenure revocation action against Plaintiff Benedek.

42.

Defendants are personally liable for their predicate acts to the extent they arise under OCGA 16-14-1 et seq., by reference to the Criminal Code of Georgia for acts of retaliation against Plaintiff in order to harm his economic interests or the furtherance of an illegal conspiracy for those purposes under OCGA §16-14-4(c) et seq (Georgia RICO).

43.

Notwithstanding any claim of sovereign immunity, otherwise criminal acts serve as predicate acts of conspiracy.

Statement of Facts

44.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

45.

Plaintiff Dezso Benedek is an award-winning, tenured professor of Comparative Literature at the University of Georgia. He is the former head of the Asian Languages Program and an expert in numerous Asian and Eastern European Languages, literatures, and mythologies.

46.

Benedek is a native Romanian of Hungarian ethnicity, and arrived in the U.S. as a political refugee in danger for his life for speaking out against the tyranny of the brutal Romanian dictator Nicolae Ceaușescu.

47.

At UGA, Benedek developed a number of study abroad programs that were extremely popular with UGA students and that achieved excellent academic results. These included the Maymester in Budapest program and Chinese language programs at Huangshan and Jilin Universities in China.

48.

All these study abroad programs were based on courses approved under University of Georgia curriculum guidelines that were listed in the UGA Bulletin at all times relevant to this action.

49.

The effectiveness of the UGA-approved curriculum in the Chinese language programs was enhanced by cultural immersion, one-on-one instruction, and home stays in the host countries. American students who are not native Chinese-speakers, but who participated in this study abroad program, qualified and were admitted to do Chinese-language graduate work at Chinese universities. This was an unprecedented accomplishment for UGA and its students.

50.

The Maymester in Budapest included educational opportunities offered virtually nowhere else, including prestigious internships at the highest level of Hungarian governmental and cultural institutions, and interaction with authentic nomadic ethnic groups in their own environment.

51.

Despite this excellent track record as a teacher and academic, Benedek found himself at odds with the UGA administration of President Michael Adams.

52.

Benedek spoke out publicly on matters of public concern against President Adams' administration of the University of Georgia. Benedek was not alone in questioning Adams' public stewardship. An independent audit found numerous instances of private benefit from public resources, illegal activities, and NCAA violations that had to be remedied by the UGA Athletic Association—while the Adams administration sought to merely cover them up—and Adams was forced to repay UGA for private benefits he received at state expense. There were also other highly public instances of Adams trying to force out professors who did not support him, including the dean of the journalism school whom a federal court found to be wrongfully accused by the Adams administration, contrary to federal law.

Protests

53.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

54.

In one typical example, Benedek accused Adams and his administration of running the state institution as a private plantation without regard to the academic integrity of the institution or the best interests of the students, as reported in the UGA newspaper, Red & Black.

55.

Benedek's criticisms of the Adams administration were shared by many, and supported by the findings of a Deloitte & Touche audit report that documented many instances of Adams' self-serving actions that resulted in public payments for his private benefit, as well as attempts to obtain improper benefits for Adams' allies, and even under-the-table deals that constituted major NCAA infractions. There were also many other prominent cases of UGA personnel alleging they were retaliated against for not siding with Adams.

56.

Benedek engaged in a public hunger strike directed at President Adams to protest treatment of students in a study abroad program at Huangshan.

57.

This protest was later cited by the Attorney General, acting on behalf of President Adams, as a factor supporting the subsequent retaliatory and otherwise unjustified attempt to revoke Benedek's tenure, thereby destroying his academic career and the programs he developed. The Attorney General's actions that occurred in Fulton County, Georgia, targeting Benedek's speech for retaliation, violate OCGA § 9.11-11.1.

58.

When the Adams administration denied credit and HOPE scholarship funding for the Maymester in Budapest program under a patently false pretext that the curriculum was not approved (when in fact it was approved and included in the UGA Course Bulletin), Benedek protested this arbitrary and capricious decision intended to harm him, advocating that the Adams administration act in the best the interests of the students involved instead of targeting his programs for personal reasons.

59.

This protest of the credit denial was also cited by the Attorney General, acting on behalf of President Adams, as a factor supporting revocation of Benedek's tenure and the destruction of his career. This also violates OCGA § 9.11-11.1.

60.

Benedek also encouraged students to protest the decision to deny credit and HOPE funding, in their own interest, as well as on behalf of the academic integrity of the institution.

61.

This student protest was also cited by the Attorney General, acting on behalf of President Adams, as a factor supporting revocation of Benedek's tenure. This also violates OCGA § 9.11-11.1.

62.

Benedek engaged representation of counsel to advocate this cause and, again, this was cited by the Attorney General, acting on behalf of President Adams, as a factor supporting revocation of Benedek's tenure. This also violates OCGA § 9.11-11.1.

63.

Members of the Adams administration including but not limited to Defendants Fallows, Shaw, Laster, and Gatewood falsely represented to protesting students—in person, by phone, and also by electronic message--that the decision to deny credit and HOPE funding for Dr. Benedek's programs was based on an "exhaustive review" in which the programs were found not to meet UGA standards (though all courses were approved UGA curriculum listed in the UGA Bulletin), and that the denial was "irrevocable," according to Defendant Noel Fallows.

64.

On October 31, 2009, Benedek caused a letter to be sent via his counsel to the Board of Regents, detailing the failure of academic integrity at UGA, the decisions adversely affecting the university and its students, the pretexts for the adverse actions, and the fraudulent claim that these adverse actions were supported by any factual inquiry--and asked the Attorney General to investigate these actions that were harming UGA and its students.

65.

In so doing, Benedek was calling attention to fraud, waste, and abuse in state institutions as described in the Georgia Whistleblower Protection Act, OCGA § 45-1-4.

66.

Through these protests Benedek exercised his rights of free speech under Article I, Section 1, Paragraph 5 of the Georgia Constitution and the First Amendment of the U.S. Constitution.

67.

These and other exercises of his right to free speech provoked negative and hostile reaction from the Adams administration.

68.

Defendants retaliated against Plaintiff for his speech in a way that would chill a reasonable person in the exercise of such rights.

69.

Actions taken by Defendants, including but not limited to attempts to kill academic programs created by Benedek by denial of credit and otherwise, regardless of their academic quality, were pretexts for retaliation for his protests, and were intended to harm Plaintiff in his purse and his career.

70.

Actions taken by Defendants, including but not limited to the false claims concocted against him and the fraudulent fabrication of evidence purportedly

supporting these false claims, were pretexts for retaliation for his protests, and were intended to harm Plaintiff in his purse and his career.

71.

These fraudulent acts were committed in furtherance of a scheme to harm Plaintiff in a pattern of actions defined as predicate acts of conspiracy under OCGA §16-14-1 et seq (Georgia RICO)

72.

Actions taken by Defendants, including but not limited to the initiation of a tenure revocation action against Benedek, and the false claims made against him therein, were pretexts for retaliation for the exercise of his speech rights, intended to harm Plaintiff in his purse and his career.

73.

The false evidence and allegations brought by Defendants in retaliation against Benedek did, in fact, destroy the programs he created at UGA and did cripple his career, notwithstanding the fact that they were proven false in the course of the failed attempt to revoke his tenure.

74.

The fraud and retaliation brought against Benedek by Defendants harmed him independently of any administrative proceedings in which the false representations and

fabricated evidence were used, and Defendants are not thereby entitled to immunity for these actions as previously claimed in the course of this litigation.

75.

The fraud and misrepresentation of Defendants harmed Professor Benedek independently of any harm to his reputation, and caused him actual damages, including but not limited to attorney fees to address and defend against the false charges that were intended to end Benedek's career as a professor and destroy his livelihood.

Interference with Benedek's Programs

76.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

77.

The first study abroad program created by Benedek using approved UGA curriculum to suffer denial of credit was the foundation-sponsored Chinese language program at Huangshan University.

78.

When academic credit was denied by the Adams administration for Huangshan's transfer credit transcripts (for coursework done at Huangshan using UGA's approved Chinese language curriculum), Benedek conducted a public hunger strike to protest this

arbitrary and vindictive decision that stranded a number of UGA students who had committed to spending a semester or more in China and were now without hope of getting credit.

79.

To resolve the issue, President Adams agreed that a UGA delegation visiting China would visit Huangshan to inspect the program and make a determination on awarding credit.

80.

Behind the scenes, however, the reaction was overtly hostile. At the time of the hunger strike, one of UGA's super-elite students, a Foundation Fellow, was informed by the Fellows program director that, under the current climate in the Adams administration, her stipend for summer study would be denied if she used it according to her expressed intent to go on Professor Benedek's Maymester in Budapest program—not because of any alleged issue with the quality of the program, but because of the spite generated by Benedek's public protests.

81.

Upon visiting Huangshan and inspecting the program, Provost Arnett Mace signed a written agreement with Benedek to make Huangshan a UGA program, replacing the foundation sponsor, and directed delegation members Noel Fallows and Judith Shaw to implement that directive upon their return to Georgia.

82.

The written agreement expressly stated that UGA students would receive credit for the Chinese language program at Huangshan.

83.

Instead of implementing that directive upon his return, Fallows wrote and circulated a memo that was highly critical of Huangshan for reasons that were largely irrelevant to the quality of Benedek's Chinese language study abroad program, and Shaw denied subsequent requests for credit by UGA students attending the program.

84.

At the subsequent hearing in the attempt to revoke Plaintiff's tenure in July of 2010, Fallows falsely denied under oath that he had ever circulated the anti-Huangshan memo. Contrary to the sworn testimony of then-Provost Mace, Shaw denied that any such agreement to award credit had been reached.

85.

Provost Mace testified under oath in the subsequent tenure revocation hearing that his purpose in signing the agreement that was never kept was to kill Benedek's foundation-sponsored program at Huangshan. This was the first explanation, in July of 2010, of why the agreement signed by Mace and Benedek was not implemented by the Adams administration.

86.

The issues the Adams administration had with Huangshan were not related to the academic merit of the program, contrary to the sworn testimony of UGA witnesses at the tenure revocation hearing. In fact, after Benedek developed the foundation-sponsored program at Huangshan, Provost Mace requested Benedek to create a UGA program--modeled on the Huangshan study abroad program--at Jilin, a university with which UGA was already developing ties and in which Mace had a personal interest. Mace asked Benedek to exactly replicate the Huangshan program at Jilin.

87.

Benedek created this UGA program in Jilin at the Provost's request until he was ordered in a directive from Judith Shaw and Dean Kavita Pandit to abandon the UGA Chinese language study abroad program at Jilin.

88.

UGA students studying in the Jilin program created by Benedek--to UGA's specifications and employing the UGA-approved curriculum--were subsequently denied credit by the Adams administration.

89.

Defendant Shaw sought to have action taken against Plaintiff Benedek for the termination of the UGA study abroad program at Jilin, helping instigate the subsequent tenure revocation proceeding, an action she testified under oath at the tenure revocation hearing that she would not have taken if she had known of the written documentation

of her directive to terminate the same UGA study abroad program at Jilin that Benedek was accused of destroying.

90.

Friction between Benedek and the Adams administration came to a head in 2009 when Benedek was informed by Dean Noel Fallows that academic credit and HOPE funding would be denied for Benedek's popular Maymester in Budapest program after many students had already signed up for it. UGA had previously awarded credit for the program for almost a decade, and awarded transfer credits from Eotvos Lorand University in Budapest (ELTE) since 2005. Prior to that, since 2001, when it was developed as part of the approved UGA curriculum, UGA had awarded credit directly to students in the Maymester in Budapest program.

91.

Since 2005, transfer credit issued by ELTE was accepted pursuant to an existing UGA-ELTE Cooperative Agreement, with an specific proviso reached between UGA and ELTE that UGA would accept ELTE's transfer credits as long as the UGA-approved curriculum did not change and the courses were taught by a UGA professor. The same UGA professor, Dr. Benedek, continued to conduct the program using the same approved curriculum until such time as the Adams administration denied credit, accused Benedek of academic fraud in connection with the program, sought to revoke

Benedek's tenure, and destroyed the Maymester in Budapest program, which no longer functions.

92.

The 2009 denial of academic credit by the Adams administration was based on a pretextual request for information on external study abroad programs, which initially targeted programs with which Benedek was associated. The questionnaire sought information on the instructors and the curricula. Of course in the case of Benedek's programs the instructor was a tenured UGA professor and the curriculum had already been developed at and approved by UGA.

93.

Dean Noel Fallows initially claimed that the sole reason for the denial of credit to Benedek's programs was Benedek's failure to return the questionnaire.

94.

At the subsequent tenure revocation hearing Defendants admitted that Benedek did return the questionnaire stating that his external program used UGA curricula and all the information requested was already in UGA's possession, and that in response to the questions regarding faculty used by the study abroad programs, the course offerings were taught by Benedek himself, a UGA professor.

95.

Access to the information requested by Fallows was, in fact, in the UGA Bulletin, which lists all UGA course offerings, including those developed for the Maymester in Budapest program. All course offerings in the Maymester program were taught by Professor Benedek, a tenured UGA professor, consistent with the transfer credit stipulations reached under the UGA-ELTE Cooperative Agreement.

96.

Based on the alleged failure to return the questionnaire concerning faculty and curriculum, Defendants dictated that Benedek's programs, though based on UGA-approved curricula and taught by a UGA professor, should be denied academic credit and HOPE scholarship funding.

97.

Other programs that did not return the questionnaire by the purported deadline were allowed to turn in the information later, but Defendants insisted the denial of credit for Benedek's programs was final and irreversible.

98.

Other study abroad programs associated with Benedek, though not conducted by him, were also targeted for denial of credit--on the same failure to return the questionnaire pretext. These included the prestigious and exclusive Hokkaido program, the world's top Japanese language program. Originally UGA students were not admitted to Hokkaido, but at the request of the Regents, Benedek had traveled to Japan

to use his personal influence and outstanding academic reputation in foreign language instruction to persuade the Hokkaido program directors to accept UGA students. Under Fallows' scheme targeting Benedek, UGA students lost the benefit of access to this program—to which they originally gained access only through Benedek's efforts. This is typical of the results of Defendants' schemes—they actually harmed UGA and its students in their efforts to retaliate against Benedek.

99.

UGA never responded to an Open Records request for documents related to the selection of study abroad programs initially targeted for denial of UGA credit using the questionnaire method.

100.

When UGA students complained about the denial of credit and funding for the popular programs, Defendants informed them that the decision was final and irreversible.

101.

Students were also falsely informed by Defendants Fallows, Shaw, Laster, and Gatewood that the denial of credit was based not on the alleged failure to return a questionnaire but on an “exhaustive” investigation.

102.

These false statements intended to harm Plaintiff took the form of numerous phone calls, emails and letters sent through the US mail by Defendants in furtherance of this fraudulent scheme.

103.

Defendants falsely informed other universities participating in the Maymester program and considering sponsorship of the program that they should not participate because the program approved under UGA curriculum guidelines and taught by a UGA professor had been found to “lack academic merit” after an extensive investigation.

104.

This false information intended to harm Plaintiffs was conveyed in a series of telephone calls and emails by Defendants including but not limited to Laster, Fallows, Shaw, and Adams.

105.

Fallows and Shaw further asserted, *contrary to UGA policy*, that the Maymester in Budapest program would remain ineligible for academic credit and HOPE funding even if it were sponsored by another accredited U.S. university.

106.

Defendants also requested Benedek to provide information on his “conflicts of interest” associated with the external study abroad programs.

107.

Benedek responded through his counsel that no such conflicts existed, and requested information on the nature of the conflicts Defendants were alleging.

108.

Defendants never responded to identify the alleged conflicts. However, they proceeded to deny credit and HOPE funding for his programs, bring an action against him for tenure revocation alleging conflicts of interest in order to terminate his career as a professor, and disseminated their false accusations by mail and wire throughout the academic community in Georgia, nationally, and internationally.

109.

In short, after Benedek's hunger strike directed at President Adams, Defendants made every effort to target and destroy Benedek's programs, livelihood, and career.

110.

Defendants thereby retaliated against Plaintiff for the exercise of his rights under the Georgia and U.S. Constitutions, in violation of OCGA § 9-11-11.1.

111.

Defendants participated in a concerted scheme for the purpose of harming Plaintiffs and their economic interests, involving more than two acts with the common purpose of furthering this scheme by misrepresentations via mail, electronic mail, and telephone, by perjury and subornation of perjury, false statements to a state agency, and tampering with evidence in violation of OCGA § 16-14-1 et seq.

Complaint to Board of Regents

112.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

113.

On October 31, 2009, Benedek's counsel wrote to the Board of Regents complaining of the pretextual denial of credit and HOPE finding for Benedek's programs, without any academic justification, and pointing out the falseness of the claims that any investigation of the programs supported this action.

114.

After their false claims of an extensive investigation were exposed, Defendants subsequently contacted one of the foreign universities hosting a Benedek program in order to obtain some after-the-fact justification for the decision already made to deny credit.

115.

Benedek's counsel subsequently brought it to the attention of the Board of Regents that this supposed investigation did not begin until long after the decision to deny credit and also did not begin until after the Adams administration claimed to protesting students that an investigation had already been conducted.

116.

Theses false claims by the Adams administration were submitted by mail, electronic message, and telephone to UGA students and their parents in Clarke, DeKalb, Cobb, Gwinnett, and Fulton County, Georgia. They were also included in UGA's report back to the Board of Regents.

117.

Benedek's counsel requested the Board of Regents, through its investigative arm of the Attorney General's Office, to investigate this wrongdoing at UGA and vindictive action against Benedek that was contrary to the best interests of UGA and its students.

118.

The Board of Regents failed to investigate the claims of wrongdoing brought to its attention by Benedek.

119.

Instead, the response of the Georgia Attorney General was to inform Benedek's counsel that the Attorney General had agreed to initiate a tenure revocation action against Dr. Benedek by agreement with and at the behest of the very UGA Defendants Benedek asked the Regents to investigate. Tenure revocation actions are prosecuted by the Attorney General.

120.

The Board of Regents, as advised by the Attorney General, later failed to consider documented evidence of subsequent wrongdoing brought to it on appeal, including the manufacture of false accusations and evidence against Benedek and wrongdoing from the resulting tenure revocation proceeding, consistent with its earlier agreement with the Adams administration not to pursue the allegations in Benedek's October 31, 2009 letter. See Appeal to Regents, *supra*.

121.

Defendants thereby retaliated against Plaintiff for his protests and participated in a conspiracy to harm Plaintiffs as the common motive for a pattern of racketeering activity in violation of OCGA §16-14-1 et seq (Georgia RICO).

Fraudulent Allegations and Evidence Manufactured

122.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

123.

After Benedek's counsel informed the Regents that UGA had never contacted the host institutions and sponsors of the programs for which credit was denied, Dean

Noel Fallows contacted officials at the academic sponsor of Benedek’s Maymester in Budapest program, Eotvos Lorand University in Budapest (ELTE) for the first time.

124.

Fallows sent actual transfer credit transcripts of UGA students to ELTE, pointedly asking ELTE officials to confirm that transfer credit transcripts that had been turned in for UGA students in previous years for the Maymester in Budapest were fakes and forgeries. This occurred in May of 2009, after UGA students had already departed to attend the Maymester program—even though they were denied credit and HOPE funding.

125.

Neither Fallows nor anyone else in the Adams administration preformed any investigation with respect to ELTE prior to announcing the decision to deny credit for the Maymester in Budapest program.

126.

Defendants made no contact with ELTE prior to informing UGA students that credit was being denied based on an “exhaustive” investigation.

127.

Defendants made no contact with ELTE prior to advising Notre Dame University and other institutions that they should not participate in the Maymester

program because it had been found to “lack academic merit” after the exhaustive investigations—which, of course, had never occurred.

128.

ELTE officials rejected Fallow’s contention that the transcripts were not valid and affirmed the quality of the program and validity of the transfer credit transcripts.

129.

Though there has never been any indication that there was ever any basis for Fallows’ contentions that the transfer credit transcripts were illegitimate in the first place, Fallows accused the ELTE officials responding to his inquiries—and rejecting his contention that the transcripts were illegitimate--of being frauds.

130.

Fallows subsequently had Provost Arnett Mace contact the Rector, the top official of ELTE, directly.

131.

According to Mace’s later sworn testimony, Fallows showed Mace the “suspicious” transfer credit transcripts and asked Mace to contact the ELTE Rector about them, but that Fallows had covered up the portion of the transcript that contained the official seal of ELTE, indicating its origin.

132.

When contacted by Provost Mace, the ELTE Rector confirmed the validity of the transcripts and the authority of the ELTE officials who had previously responded.

133.

The Rector further explained that ELTE issued the transfer credits pursuant to a formal cooperative agreement it had previously entered with UGA (the UGA-ELTE Cooperative Agreement).

134.

During its attempts to revoke Benedek's tenure and destroy his career, the Adams administration denied the existence of this UGA-ELTE Cooperative Agreement, despite its confirmation by ELTE, and almost all trace of the cooperative agreement disappeared from UGA records. Defendant Laster swore under oath that Defendants had conducted a lengthy search and could not find evidence that any such document ever existed, implying that Benedek's claim was dishonest. However, copies of the cooperative agreement and cover letters transmitting it, procured from ELTE and the UGA Department of Comparative Literature, bore the signatures of Defendant Gatewood and President Adams.

135.

ELTE explained to Fallows and Mace in the spring and summer of 2009 that it had entered an arrangement to serve as academic sponsor for the Maymester in Budapest program at UGA's request, according to communications with then-Dean

Clifton Pannell, since retired, in 2005 and pursuant to the UGA-ELTE Cooperative Agreement. The agreement with Pannell specific to the Maymester program, as recited by ELTE, was that ELTE would issue transfer credits and UGA would accept them as long as the courses were taught by a UGA professor—in this case Professor Benedek—and the curriculum did not change from what had been approved under UGA curriculum guidelines.

136.

When UGA Office of Legal Affairs attorney Arthur Leed contacted former Dean Pannell as part of the investigation UGA instigated after denying credit for the program and informing students that an investigation had already been conducted (and only after Benedek’s counsel informed the Regents that no such investigation had occurred), Leed broached the subject with Pannell by forwarding ELTE’s confirmation of the transfer credit arrangement under the UGA-ELTE Cooperative Agreement with the comment, “Here’s the strange email.”

137.

The UGA Office of Legal Affairs reports directly to President Michael Adams, who signed the UGA-ELTE Cooperative Agreement whose existence was denied by Defendants.

138.

The agenda of the UGA Office of Legal Affairs was frequently dictated by President Michael Adams, contrary to actual sound legal doctrine, and the UGA Office of Legal Affairs has already been cited by at least one federal judge for its failure to follow the applicable law, or to even “know what the law is.”

139.

Knowing that ELTE had confirmed the validity of the transfer credit transcripts for the Maymester in Budapest, Fallows set out to find alternative means to discredit the transcripts—and discredit Benedek in the process.

140.

As part of this scheme, Fallows impersonated UGA students who previously received credit for the Maymester in Budapest and other Benedek programs--violating federal student privacy law under the Family Educational Right to Privacy Act (FERPA) 20 USC § 1232g--and sent the students’ transcripts, without their knowledge or permission, to third party credit evaluation agencies, seeking to obtain negative references to Benedek’s programs.

141.

Fallows disclosed the students’ names, social security numbers, and other private information in the process, in violation of FERPA. Fallows also logged in to computer systems in the name of the students who had no knowledge of his actions, entering their names and personal information as if he were the student. In addition to FERPA,

Fallows' actions also violated state and federal criminal statutes, including 18 U.S.C §§ 1961 (federal RICO), 1341 (mail fraud), 1343 (wire fraud) & 1028 (fraudulent identification), the Georgia Computers Systems Protection Act, OCGA § 16-9-93, (computer invasion of privacy), OCGA § 16-9-93.1 (use of computer for identity theft), OCGA § 16-10-20 (false statements regarding matters under state jurisdiction), OCGA §16-9-120 et seq (identity fraud), and OCGA § 16-10-94 (evidence tampering).

142.

Fallows illegally sent the student transcripts, as part of this artifice intended to discredit Dr. Benedek, via U.S. mail. Fallows communicated with the agencies regarding this fraudulent scheme by wire, via phone, email, and computer network in violation of state and federal law.

143.

Fallows sent UGA student transfer credit transcripts from Benedek's programs at ELTE and Huangshan separately to four different credit evaluation agencies.

144.

Three of the agencies reviewed the transcripts from Huangshan and ELTE and reported that they were in order and made a recommendation on credit equivalency for UGA.

145.

One of the four agencies, Silny and Associates, responded to Fallows that the ELTE transcripts did not appear to be normal ELTE transcripts because the courses were listed with alternate UGA course numbers.

146.

The reason for that, as Benedek's counsel explained to the Attorney General and UGA Office of Legal Affairs, prior to the tenure revocation hearing, and as they could have learned for themselves by consulting the UGA Course Bulletin, was that the curriculum was in fact developed at UGA, approved under UGA curriculum guidelines, and taught by a UGA professor.

147.

Defendants had already received this same explanation from ELTE, with the additional information that the transfer credit was issued under the cooperative agreement with UGA—the existence of which Defendants denied under oath. (Despite Defendants' denial of its existence, Plaintiff has subsequently located copies of the UGA-ELTE Cooperative Agreement, signed by President Adams, with a letter of transmittal signed by Defendant Gatewood).

148.

Fallows did not inform Silny of these UGA origins of the Maymester courses. If Silny had possessed that information that Fallows withheld, it would have explained

the apparent discrepancy in the transcripts Silny observed. The transcripts bore UGA course numbers because they reflected completion of UGA, not ELTE, curriculum.

149.

When Silny asked if it should investigate further, Fallows responded that they should not, as he had “the answer he wanted”—that is, that ELTE was supposedly, by the appearance created by the Silny response, not the source of the transfer credit transcripts.

150.

At the time of the tenure revocation hearing in July 2010, Defendants knew that Silny was, in fact, further investigating its prior determination that the transcripts may not be in order—by once again sending a UGA student transcript illegally provided to them by Noel Fallows, under the false pretense that the UGA student was applying to graduate school. Defendants continued to urge revocation of Benedek’s tenure based on the charge Benedek had falsified the transcripts --with the knowledge that Silny was questioning its own report, which was the sole basis of the charge, and that Silny had not concluded its resulting continuing investigation. That is not surprising, however, since Defendants already knew that this evidence was manufactured by fraud and that the Silny report on which the charge was based had reached a false conclusion.

151.

This false record and misrepresentation of the ELTE transcripts, created by misleading Silny and withholding information, was intentionally used by Defendants as a false pretext to call the legitimacy of Benedek's programs into question for the express purpose of causing injury to Plaintiff Benedek.

152.

A UGA student whose transcript was illegally transmitted by Fallows as part of this fraudulent scheme to manufacture evidence made an Open Records request to UGA seeking production of all documents related to the transmission of his transcript to third parties without his knowledge or permission in violation of FERPA.

153.

The Georgia Open Records office responded that there were no documents responsive to this UGA student request (though it is now undisputed that there were responsive documents, and they were authenticated at the tenure revocation hearing, and presented to the Board of Regents on appeal). But the letter from the UGA Open Records office contained a further notation directing the student to contact Dean Noel Fallows, who "would like to discuss this matter" with the student.

154.

That same UGA student, along with another UGA student whose transcript was illegally transmitted by Fallows as part of this fraudulent scheme, wrote to Michael Adams, apprising then-President Adams of the scheme to manufacture evidence and

asking for an explanation of why their federal student privacy rights were violated, why they were being implicated in academic fraud for gaining credit under supposedly false pretenses, and why their names were being used in connection with efforts to harm Professor Benedek, whom they considered an outstanding professor.

155.

There was no response to the letters from the UGA students, and instead of taking remedial action, Defendants proceeded to use the manufactured evidence in every way possible to harm Plaintiff Benedek, despite notice from both ELTE and UGA students who participated in the program that the charge of academic fraud against Benedek was false and the evidence to support it had been manufactured. Adams even had specific notice of how the evidence had been manufactured, as did the Attorney General.

156.

This fraudulent creation of false evidence to create an appearance of wrongdoing by Benedek was harmful, and was intended to injure Benedek, irrespective of the use of such fraudulent misrepresentation in a tenure revocation hearing or any other proceeding, and such harm was not limited to harm to Benedek's reputation. Further, the harm was not caused by merely tortious defamatory conduct, but by violations of the specified provisions of the federal and state criminal codes.

157.

This succession of fraudulent criminal acts, the denial by the Adams administration of the ELTE-UGA Cooperative Agreement and the subsequent transfer credit agreement with Dean Pannell, and subsequent suppression of evidence supporting their existence—along with the deliberate and systematic manufacture of false evidence, by illegal means, to create an impression of wrongdoing in the Maymester program that included falsification of the transfer credit transcripts--was used for several nefarious purposes by Defendants, in retaliation for Benedek's protests against the Adams administration, including but not limited to the after-the-fact pretext for the unjustified denial of credit for Benedek's programs, the attempt to shut down those programs outright by Noel Fallows, the negative misrepresentation of Benedek to other participating universities by Defendants Fallows, Judith Shaw, Kasee Laster, and Jane Gatewood, the subsequent attempt to terminate Benedek's very career as a professor, the destruction of his marriage, and the infliction of severe economic harm on Benedek.

158.

This fraudulent information was created for the express purpose of harming Professor Benedek through misrepresentations transmitted by Defendants via U.S. mail, electronic mail, and telephone, and by the use of computers and computer networks.

159.

Irrespective of the tenure revocation action subsequently brought against Benedek on these false, manufactured grounds, and in addition to any reputational harm suffered, Benedek and his programs were harmed by these and other misrepresentations that were both illegally fabricated and disseminated by Defendants.

160.

The Attorney General of Georgia brought charges and used this evidence against Dr. Benedek with full knowledge of its origin, and also had knowledge of ELTE's official responses to UGA's inquiry—in which ELTE confirmed the authenticity of the transcripts Benedek was accused of falsifying.

161.

This fraud in the creation of a false record against Benedek also served as part of the basis for the agreement between the Board of Regents, individual defendants at UGA, and the Attorney General of Georgia in a conspiracy to destroy Benedek's career and programs, harming his economic interests and causing him to incur considerable costs defending against these intentional misrepresentations brought against him in an action to terminate his career as a professor, in part through a tenure revocation action based on this false record.

162.

Defendants' fraudulent misrepresentations also caused Plaintiffs severe stress, emotional distress, and resulting physical ailments and aggravation of existing ailments by virtue of these RICO violations.

163.

Defendants thereby retaliated against Plaintiff for the exercise of his rights under Georgia Constitution and the First Amendment to the U.S. Constitution, and in violation of the Georgia RICO statute and numerous criminal code provisions.

Fraud Incorporated in the Tenure Revocation Action

164.

Plaintiff hereby incorporates and re-allege the preceding paragraphs as if set forth fully herein.

165.

Defendants conspired to bring claims against Benedek for tenure revocation Defendants knew to be false.

166.

Defendants never made any attempt to resolve the allegations against Benedek informally as required by Regents policy.

167.

In the course of the tenure revocation action, Defendants denied that the cooperative agreement with ELTE existed and failed to produce it in discovery, despite a mutual agreement to produce all relevant documents, or pursuant to Open Records requests.

168.

Defendant Laster denied the existence of the agreement under oath at the tenure revocation hearing. Defendant Gatewood observed this testimony and testified herself under oath at the hearing and did not comment on this assertion by Laster that Gatewood knew to be false.

169.

Plaintiff subsequently procured a copy of the UGA-ELTE Cooperative Agreement, whose existence was denied by Defendants, as well as correspondence from Defendant Gatewood concerning its renewal.

170.

In the tenure revocation action, Defendants accused Benedek of falsifying the transfer credit transcripts, despite the fact that ELTE confirmed their legitimacy.

171.

After ELTE confirmed the transcripts as its own, issued on proper authority, Defendants sought to manufacture other evidence to support their contentions that

credit should be denied for the program and that Benedek's tenure should be revoked, and offered that evidence in support of tenure revocation with knowledge of its falsity.

172.

The Silny report, procured through fraud by Defendant Fallows, with the knowledge of Michael Adams and the Attorney General, was used as the basis of a tenure revocation charge against Benedek that he had falsified the ELTE transfer credit transcripts—which had already been confirmed and authenticated by ELTE as its own, as issued on proper authority pursuant to the UGA-ELTE Cooperative Agreement.

Pre-Charge Phase

173.

The tenure revocation process consisted of two phases. In the first, Benedek was required to appear before an informal screening panel of university professors appointed by President Adams.

174.

Upon information and belief, the presentation of allegations and evidence against Benedek was managed by the UGA Office of Legal Affairs, which reported directly to President Adams and acted on his behalf for all purposes in the tenure revocation process, and the Attorney General, representing UGA and the Board of Regents.

175.

At this point, no charges had been specified against Benedek. There was no identification of the specific policies Benedek was alleged to have violated, though tenure can be revoked only for specified violations of Regents' policy.

176.

Without knowledge of the charges against him, or the policies he was alleged to have violated, Benedek was required to appear before this screening committee without counsel present.

177.

The screening committee also questioned other witnesses, including Benedek's department heads, as directed by the Office of Legal Affairs and the Attorney General.

178.

Without distilling them to formal charges, Defendants used the evidence fraudulently manufactured against Benedek by Defendant Fallows in this initial proceeding.

179.

Defendants similarly distorted the testimony of other witnesses in an attempt to condemn Benedek and achieve the result of revoking his tenure.

180.

At this initial stage of the tenure revocation process, before the UGA screening panel, the UGA Office of Legal Affairs and Attorney General did not provide the

screening panel with the information that ELTE had confirmed the authenticity and legitimacy of the transcripts that the Defendants were alleging to be false.

181.

The UGA Office of Legal Affairs and Attorney General also did not disclose to the screening panel that Fallows had illegally contacted the Silny agency, in violation of federal student privacy law, and misrepresented the student transcripts he sent them by commission and omission. For example, when Silny responded that it was unusual for ELTE transcripts to bear UGA course numbers, Fallows did not disclose to Silny that the program for which the transfer credit transcripts were being issued was developed at UGA and was part of the UGA curriculum, and was taught by a UGA professor. Instead, Fallows intentionally allowed Silny's notation of the seeming discrepancy of UGA course numbers on an ELTE transcript to stand without clarification, in order to suit his purpose to use the language of the Silny report to harm Benedek.

182.

Defendants' submission to the panel of Fallows' false manufactured evidence in an attempt to show that the transcripts did not come from ELTE, along with the omission of ELTE's own verification that it did issue the transcripts, were done together for the express purpose of misrepresenting the nature and origin of the transcripts to the screening panel in order to support a false charge of academic fraud

as grounds for revoking Benedek's tenure and destroying his career as a university professor.

183.

The UGA Office of Legal Affairs and Attorney General also did not disclose to the screening panel that Fallows had illegally contacted other credit evaluation agencies besides Silny who had reported back that the transfer credit transcripts from ELTE and other Benedek programs were perfectly in order.

184.

While there was no transcript of the screening panel proceeding, Dr. Gabriel Ruhumbika, co-head of the Department of Comparative Literature, vehemently protested that the panel's written report grossly misrepresented his testimony concerning Dr. Benedek in order to brand him as "insubordinate," a knowingly false charge that would be repeated later in the process.

185.

The panel concluded that tenure revocation was appropriate against Dr. Benedek for conflicts of interest related to the Maymester in Budapest and other study abroad programs, though panel member Randy Beck wrote that no conflict of interest as it is defined under Regents policy could be identified. Therefore, the report of the screening committee that the facts supported tenure revocation charges against Benedek for conflicts of interest was pretextual and knowingly false.

186.

This report by the panel was written before there were any formal written charges that Benedek had violated any specific Regent's policy.

187.

This report was based on misrepresentations, by commission and omission, to the panel by the Office of Legal Affairs and the Attorney General.

188.

This report misrepresented other evidence that was presented to the panel.

189.

Without any specific finding of a violation of Regents policy, the report misrepresented that Benedek's conduct merited revocation of his tenure.

190.

President Adams, with knowledge of the misrepresentations inherent in this report--and also with knowledge of the fraud, FERPA violations, and other violations of state and federal law in connection with the knowingly false charge that Benedek falsified the ELTE transcripts and the illegal manufacture of evidence to support that false charge--accepted this recommendation and informed Benedek that his tenure would be revoked.

191.

Adams adopted this fraud and evidence tampering in an official letter he issued per Regents' policy as part of the tenure revocation process, which was sent to Benedek and the affected agencies by US Mail and transmitted over the wire and computer networks by email.

192.

Adams' letter accepting the panel recommendation to revoke Benedek's tenure, based on the misrepresentations known to President Adams, was required by Regents policy as part of the tenure revocation process. As such, it was a false report on a matter within the jurisdiction of the State of Georgia.

193.

Upon receiving the letter from Adams revoking his tenure, Benedek was entitled under Regents' policy to request a statement of written charges and an evidentiary hearing before another UGA committee.

194.

Benedek was forced to answer formal charges drafted by the Attorney General that he had falsified the Maymester in Budapest transcripts, and that he failed to inform students going on the 2009 program that they would not receive credit. Other conflict of interest charges stated that he had created programs for entities other than UGA at Huangshan and Jilin, and that he had destroyed UGA's relationship with Jilin University. He was accused of insubordination for failing to answer two specific letters

requesting information on his alleged conflicts of interest, though Benedek did answer through his counsel that he had no conflicts to report.

195.

Defendants were in possession of documents and other information proving that these charges were false, and in the case of the Maymester charge Defendants actually fabricated evidence they knew to be false to support the charge, also known to be false, that Benedek faked the ELTE transcripts.

196.

The deceit and misrepresentation inherent in the proffering of charges known to be false and purportedly supported by evidence known to be falsified were done with the express purpose of causing injury to Plaintiff Benedek, including but not limited to the revocation of his tenure and dismissal as a professor from UGA.

197.

These deceitful actions were also taken with the malicious intent of injuring Benedek, and ruining the programs he developed.

198.

These intentional misrepresentations, committed by means of violations of criminal statutes that constitute predicate acts under the Georgia RICO Act, also caused Benedek to spend enormous time and resources to defend himself from these false charges and manufactured evidence.

199.

Defendants' fraudulent misrepresentations also caused Plaintiff severe emotional distress, irrespective of their adoption as charges in the tenure revocation action or the harm to his reputation.

200.

Defendants conspired via tacit agreement and concerted action to cause injury to Plaintiff Benedek through these willful misrepresentations in a pattern of related acts directed at Plaintiff Benedek.

201.

Defendants thereby retaliated against Plaintiff for the exercise of his rights and participated in a fraudulent scheme intended to harm him in violation of OCGA §16-14-1 et seq (Georgia RICO).

The Hearing

202.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

203.

Prior to the hearing, contrary to an agreement to produce all relevant documents, the Attorney General withheld documents from Benedek's counsel that established the falsity of some of the charges to a certainty.

204.

The Attorney General included in its own exhibits documents that proved that other charges were false.

205.

The Attorney General presented evidence it knew to be manufactured by Noel Fallows—in the place of contrary competent evidence known to the Attorney General.

206.

The Attorney General knowingly presented perjured testimony and manufactured evidence at the hearing, and suborned perjury at the hearing.

207.

The Attorney General knowingly made false statements in an official state proceeding by bringing charges known to be false and known to be based on illegally manufactured evidence.

208.

The UGA Office of Legal Affairs influenced UGA witnesses against Benedek by expressing its own bias in the matter.

209.

During the hearing Plaintiff made numerous Open Records requests for documents relevant to the proceedings, and these requests were not answered with responsive documents.

210.

At the hearing Plaintiff Benedek offered documentary evidence, with respect to each of the charges against him and each of the study abroad programs involved, that Defendants withheld exculpatory information in their control, proffered manufactured evidence and perjured testimony, and knowingly brought false charges against Plaintiff Benedek with the express intent to harm him.

Maymester in Budapest

211.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

212.

At the hearing Defendants—in particular the Attorney General of Georgia-- offered in evidence the Silny report that Dean Noel Fallows illegally procured, by fraud, as described above. The formal academic fraud charge against Benedek not only relied on the Silny report, but actually quoted verbatim from the Silny report with respect to the observation Fallows elicited by fraud and misrepresentation.

213.

At the hearing Defendants argued, despite documents in their possession showing that students were complaining to the Office of International Education and

the Dean's office about the denial of credit in January, that Benedek did not inform those same students of the denial of credit decision until April, as stated in the formal charge drafted by the Attorney General.

214.

In fact, these are the very student complaints that caused Defendants to falsely claim that the denial of credit was due to an exhaustive investigation of the program. Therefore, the charge made as part of an official state proceeding that Benedek did not inform the students was obviously knowingly false.

215.

Defendants Fallows, Shaw, Gatewood, Laster, and the Attorney General, on behalf of Defendant Adams, entered into an agreement, both tacit and explicit, to suppress the truth and to promulgate false charges against Benedek with respect to the Maymester in Budapest for the express purpose of harming Benedek.

216.

The Board of Regents directly participated in this agreement and conspiracy to proffer false charges and suppress exonerating evidence when it ignored the documented evidence of these actions when brought before it on appeal by Professor Benedek. This was a continuation of the Regents prior secret agreement with the Attorney General and the individual UGA defendants to ignore the malfeasance brought to its attention in Professor Benedek's October 31, 2009 letter.

Jilin

217.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

218.

Benedek established a Chinese language program at Jilin University in China at the request of UGA Provost Arnett Mace.

219.

Benedek was subsequently ordered to cancel the program by UGA Dean Kavita Pandit and Defendant Judith Shaw.

220.

Benedek transmitted the orders of Shaw and Pandit to terminate the program to officials at Jilin.

221.

Only after UGA cancelled the program that had already been created at Mace's request, Benedek allowed another sponsor to take it over.

222.

Despite UGA's request that Benedek create the program and subsequent instruction that he abandon it, Defendants charged Plaintiff with a conflict of interest for using university resources to create a program for another entity.

223.

Though he passed along the UGA order to stop the Chinese language program to Jilin, Benedek was formally charged with destroying UGA's relationship with Jilin.

224.

Defendant Judith Shaw, knowing that she had taken part in ordering Benedek to terminate the study abroad program at Jilin, recommended that Benedek be referred to the Office of Legal Affairs for terminating the program—as ordered by her and Kavita Pandit—for action to be taken against Professor Benedek with respect to Jilin

225.

This was part and parcel to an agreement amongst Defendants to retaliate against Benedek for his protests against the Adams administration.

226.

An email from Dean Kavita Pandit and copied to Defendant Shaw documented that it was their decision to terminate the Jilin program created by Benedek.

227.

Despite an agreement to turn over all documents material to the tenure revocation action in discovery, Defendants withheld from Benedek's counsel the

document in which Benedek was instructed to stop the program at Jilin, namely the email from Shaw and Pandit ordering the termination of the study abroad program at Jilin that Benedek was asked to create by Provost Mace.

228.

When Defendant Jane Gatewood was shown a copy of the document, procured by other means, at the tenure revocation hearing by Benedek's counsel, she acknowledged that the document exonerating Benedek of the charge was in Defendants' possession and had been reviewed by them in consultation with the Attorney General prior to the hearing—though it was never disclosed or produced to Plaintiff pursuant to the discovery agreement in place to produce all relevant documents.

229.

Upon information and belief, Defendants Shaw, Laster, and Gatewood were advised by Rebecca Mick of the Georgia Attorney General's office, upon discovery of the document exonerating Benedek, that they should proceed with the charge concerning Jilin, though it was known by all of them to be false, and that they would be protected by sovereign immunity under the Georgia Tort Claims Act for giving knowingly false testimony concerning Benedek's involvement with Jilin while withholding the exculpatory evidence.

230.

Defendants Shaw, Gatewood, Laster, and the Attorney General, on behalf of Adams, entered into an agreement, both tacit and explicit, to suppress the truth and to promulgate false charges against Benedek with respect to Jilin for the express purpose of harming Benedek.

231.

The Attorney General knowingly made a false statement in an official state agency proceeding by charging Benedek with destroying the Jilin program.

232.

The Board of Regents directly participated in this agreement and conspiracy when it ignored the documented evidence of these actions when brought before it on appeal by Professor Benedek. This was a continuation of the Regents prior agreement with the Attorney General and the individual UGA defendants to ignore the malfeasance brought to its attention in Professor Benedek's October 31, 2009 letter.

Huangshan

233.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

234.

The first Chinese language program created by Benedek, which was the model Provost Mace asked him to replicate at Jilin, was at Huangshan University.

235.

When Benedek first presented the idea for the program--which consisted of teaching the UGA Chinese language curriculum in China--to the UGA Office of International Education, he was told to proceed but that he needed to find an outside sponsor because UGA could not fund it.

236.

Benedek did in fact create the program at Huangshan through an external sponsor, teaching Chinese according to the UGA-approved Chinese language curriculum, but with the added benefit of the students being in China, receiving one on one instruction, and living with Chinese families in their homes.

237.

When the Office of International Education subsequently denied credit to UGA students in the program, Benedek protested with the hunger strike in front of President Adams' office.

238.

To end the hunger strike, Adams agreed that a UGA delegation including Provost Mace, Associate Provost Shaw, and Dean Fallows would visit Huangshan to evaluate the program.

239.

During that visit, Mace entered a written agreement with Benedek to end the program through the outside sponsor and make it a UGA program, and Mace instructed Shaw and Fallows to implement the agreement upon their return to UGA.

240.

Instead of doing that, Fallows upon his return wrote a memo denigrating the program and recommending against awarding credit. This memo was circulated to various UGA officials with responsibility in such matters—which Fallows falsely denied under oath at the hearing, saying they were notes to himself.

241.

Shaw persisted in the denial of credit, and contrary to the agreement entered by Mace the program was never adopted by UGA.

242.

The Attorney General cited Benedek's protests of these actions among the reasons for bringing a tenure revocation action against him.

243.

Despite Benedek's creation of the program through an outside sponsor according to the instruction he received from UGA, and despite his agreement to make it a UGA program—and UGA's subsequent renegeing on that agreement—Benedek was charged with conflict of interest for creating a program for a sponsoring entity other than UGA.

244.

Shaw, Fallows, and the Attorney General, on behalf of Adams, entered into an agreement to suppress the truth and to promulgate false charges against Benedek with respect to Huangshan. Fallows even impersonated UGA students and submitted their transcripts in violation of federal law in an attempt to gather harmful information to use against Benedek with respect to Huangshan as he did for ELTE, but was unsuccessful in the attempt to manufacture false, misleading evidence with respect to Huangshan. Defendants proceeded with the knowingly false charges anyway.

245.

Defendants knowingly proceeded with the charge despite this lack of even apparent evidence, again entering into an agreement amongst themselves to bring false charges and provide misleading testimony.

246.

The Attorney General made a knowingly false statement in the course of an official state proceeding by charging Benedek with a conflict of interest in creating the Huangshan program.

247.

The Board of Regents directly participated in this agreement and conspiracy when it ignored the documented evidence of these actions when brought before it on appeal by Professor Benedek on November 16, 2010. This was a continuation of the

Regents prior secret agreement with the Attorney General and the individual UGA defendants to ignore the malfeasance brought to its attention in Professor Benedek's October 31, 2009 letter.

Committee Findings and Subsequent Action

248.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

249.

At the conclusion of the three-day evidentiary hearing in July of 2010, the hearing committee retired for months of deliberation before issuing its findings. Meanwhile, the heads of the foreign universities named in the charges against Benedek wrote to President Adams. Upon reviewing the testimony of Defendants Fallows, Shaw, Gatewood, and Laster at the tenure revocation hearing, the heads of the foreign universities adamantly protested to Adams the perjury in the Defendants' testimony, Defendants' slander of the foreign universities, and Defendants' fraud in their so-called investigations—which were in fact schemes to manufacture false evidence.

250.

President Adams never responded to any of the correspondence from the heads of foreign universities implicated in the charges against Professor Benedek.

251.

The Attorney General actively sought to prevent the hearing committee, which was still conducting its deliberations, from reviewing the protests and rebuttals of the foreign universities.

252.

After months of deliberation, the Committee concluded in written findings that Benedek should keep his tenure as the evidence did not support the charges of wrongdoing or conflict of interest against him.

253.

The Committee also found, however, that he was insubordinate for failing to respond and provide information on his alleged conflicts of interest—despite the obvious contradiction with the Committee’s own finding that there were no conflicts of interest to report.

254.

This conclusion illogically ignored Benedek’s actual response to the inquiry that he had no conflicts to report, and the subsequent finding by the committee itself that there were no conflicts to report, clearing him of those charges.

255.

In addition, the statement in the committee’s findings that Benedek did not respond to the request for information on his conflicts of interest was patently false.

Though there were no conflicts of interest to report, as found after a three-day evidentiary hearing, Benedek's counsel did respond to the requests for information. These responses indicated that there were no known conflicts to report, that the Defendants knew that there were no such conflicts, and asked Defendants to identify any such conflicts they alleged, to which Benedek would respond accordingly. Defendants never specified the supposed conflicts (which were, in fact, found not to exist) for which they demanded an explanation.

256.

Based on this illogical and patently false finding of insubordination, the Committee recommended, and President Adams accepted and instituted, a denial of credit and HOPE funding for Benedek's programs, his demotion as head of the Asian Language Program, and a ban on authorized travel to conduct his work in Asian and European languages, literatures and mythologies.

257.

These actions were based on the knowing misrepresentation that Benedek had not responded to inquiries or disclosed information on his (non-existent) conflicts of interest and were embodied in a written report required by Regents' policy.

258.

The written finding that Benedek was insubordinate for failing to report conflicts the committee itself found not to exist was itself a knowingly fraudulent statement in an official state proceeding within the meaning of OCGA § 16-10-20.

259.

This action effectively destroyed Benedek's study abroad programs and his research and scholarship.

260.

This action was based on purely pretextual findings and knowingly false statements consistent with the conspiracy amongst the Defendants to retaliate against Benedek for the exercise of his right to protest the actions of the Adams administration, and constitutes action intended to harm Benedek in furtherance of that conspiracy.

261.

President Adams, with knowledge of the underlying fraud and misrepresentations, including the manufacture of evidence against Benedek and subsequent perjury and subornation of perjury, adopted the findings of the committee with knowledge of their falsity, and adopted the punishments recommended by the committee with knowledge of the fraud and misrepresentation inherent in the committee finding of insubordination for Benedek's supposed failure to report his (non-existent) conflicts of interest. In fact, Adams had advance knowledge, before the committee rejected the conflict of interest charges, that the charges against Benedek

were false, the testimony perjured, and the evidence manufactured. Adams had notice of these criminal acts both from UGA students and the heads of the foreign universities who wrote to him directly, even without any further review or oversight of the tenure revocation proceedings for which he was responsible under Regents policy, with all other Defendants acting on behalf of the UGA President.

262.

Nonetheless, Defendant Adams adopted and advanced these criminal actions in the letter he sent, as required by Regents policy, by wire and through the US Mail, upholding the actions and knowingly false statements of the hearing committee.

263.

This official letter required by Regents' policy was a knowingly false statement to a state agency within the meaning of OCGA § 16-10-20.

Appeal to Board of Regents

264.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

265.

Benedek appealed to the Board of Regents protesting the finding of insubordination based on the failure to report conflicts of interest that were found by

the same hearing committee not to exist—and despite the fact that Benedek had answered, through his counsel, the two letters he was specifically accused of not answering, to state that he was not aware of any conflict of interest.

266.

Benedek included in that appeal to the Regents the injury he suffered from Defendants' misconduct, documenting improper withholding of exculpatory documents, defamation, manufacture of evidence, perjury, and bringing of charges known to be false to injure Professor Benedek, as well other illegal uses of that information known to be false for the express purpose of injuring Plaintiff.

267.

In particular, in this appeal to the Regents, Benedek produced the UGA-ELTE Cooperative Agreement--signed by Michael Adams and transmitted with a cover letter by Defendant Gatewood—the existence of which these Defendants had denied in order to bring charges against Benedek that he had falsified the ELTE transfer credit transcripts. As should have been obvious, Benedek brought to the attention of the Regents that he had been harmed by these fraudulent actions by, inter alia, having to pay attorney fees to defend himself against these fraudulent actions, so that he was harmed despite the fact that his tenure was not revoked because it was proven at the hearing that the charges were false and the evidence was manufactured.

268.

The Regents, represented by the Attorney General, did not investigate or hold a hearing on the evidence. Without commenting on the documentary evidence supplied by Benedek, they issued a letter on February 16, 2011 stating without comment, explanation or discussion—and without weighing the extensive documentary evidence and sworn testimony provided in support of the appeal--that the Board was upholding the actions of UGA.

269.

By saying that it upheld the actions of UGA, the Board of Regents, as advised by the Attorney General of Georgia, was not only upholding the fraudulent statement that Benedek had been insubordinate for failing to respond to inquiries about his conflicts of interest—when he did respond through his counsel that he had no conflicts to report, consistent with the hearing committee finding that there were none. By stating it was upholding the actions of UGA, the Board of Regents, as advised by the Attorney General, also stated that it was upholding the fraud, evidence tampering, and perjury that had been documented through authenticated records and sworn testimony and brought to the attention of the Board.

270.

Moreover, upon information and belief, the Attorney General (who had first-hand knowledge) and certain personnel of the Board of Regents failed to inform the Regents--either by way of the appropriate committee, or as a body--of the nature and

extent of the wrongdoing brought to the Regents' attention, or of the extensive documentation in the form of authenticated records and sworn testimony supporting Professor Benedek's complaint. It is known that the claims and extensive documentation were dismissed in a single sentence, without comment, explanation, or discussion of the issues presented.

271.

Documentation presented to the board of Regents on appeal and dismissed without comment or explanation included, *inter alia*, documentation of the correspondence between ELTE and UGA in which the legitimacy and authenticity of the transfer credit transcripts—for which Benedek was accused of academic fraud for supposedly falsifying—were confirmed by ELTE to UGA at the highest level; the correspondence by which UGA Dean Noel Fallows subsequently impersonated UGA students and sent their transcripts to third parties in violation of federal student privacy law, as well as state and federal criminal statutes, in order to manufacture evidence that the ELTE transcripts had been falsified; UGA student correspondence apprising President Michael Adams of his administration's scheme with respect to the falsification of evidence and subsequent perjuries based thereon; the UGA-ELTE Cooperative Agreement signed by Defendant Michael Adams under which ELTE issued the transfer credit, the existence of which was denied by Defendants; UGA correspondence establishing that Defendant Shaw ordered the termination of the UGA

program at Jilin that Professor Benedek was formally accused of destroying, correspondence that was in the possession of the Attorney General at the time the charge was brought against Benedek and that the Attorney General withheld, secreted, and failed to disclose to Benedek’s counsel; and official correspondence from officials of Jilin, Huangshan University, and ELTE formally protesting to President Adams the perjuries contained in the testimony of Defendants Fallows, Shaw, Laster and Gatewood, as well as in the official correspondence of President Adams—all of which actions by Defendants in violation of state and federal law, which were known to the Attorney General and in which the Attorney General advising the Regents had participated, were subsequently upheld and affirmed by the Board of Regents in its official February 16, 2011 letter of response to Benedek’s appeal, without one word of comment, discussion, explanation or analysis.

272.

It is known that at the same February 2011 meeting of the Board of Regents at which Benedek’s documentation of wrongdoing by the Adams administration at UGA and the Attorney General were dismissed without comment, explanation, or discussion, that the Regents changed their appeals policy so that only “official records” of the university system could be considered in the appeals process, upon advise of the Attorney General.

273.

Upon information and belief, none of the documentation of evidence tampering, witness tampering, mail and wire fraud, FERPA violations, false statements so a state agency, perjury, or subornation of perjury—which were known to the Regents legal advisor, the Attorney General-- were reviewed or considered by the members of the Board of Regents.

274.

Thus the Regents came full circle, continuing the pattern of aiding and abetting the retaliation against Plaintiff that it secretly began when the Regents took no action on the allegations in Benedek's letter of October 31, 2009.

275.

The February 16, 2011 letter from the Regents constituted an act in furtherance of the same conspiracy previously entered by Defendants.

276.

The statement in the Regents letter transmitted to Professor Benedek and UGA as part of the formal proceedings contained false statements to a state agency in an official proceeding that the Board of Regents had received and reviewed his appeal and accompanying documentation and had carefully considered it before dismissing it without comment, explanation, analysis or discussion.

277.

That is consistent with the sworn testimony of Regent Poitevint that the members of the Board do not read the appeals, review the files, or examine any of the supporting documents—and are otherwise generally unaware of the issues raised on appeal, contrary to the assurance in the form letter of rejection by which the appeals are dismissed without comment or explanation.

278.

The dismissal of Plaintiff's appeal--without so much as a comment on the extensive documentation of the acts of retaliation against Benedek by UGA, the perjured testimony by UGA witnesses, the spoliation of evidence, and the manufacture of false charges supported by fabricated evidence--was the first time that Plaintiff could reasonably infer that the Board of Regents itself, in cooperation with the Attorney General, was overtly part of a conspiracy to retaliate against Professor Benedek manifested in the illicit acts of the UGA Defendants.

279.

Plaintiff incurred considerable unnecessary trouble and expense, including but not limited to attorneys fees, caused by the deceitful acts of Defendants intended to harm him.

Post-appeal retaliation

280.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

281.

Subsequent to the dismissal of the appeal on February 16, 2011, Defendants once again imposed the travel ban and demotion according to the instructions of Michael Adams.

282.

The demotion and removal of Dr. Benedek as head of the Asian Languages Program, in Defendants' zeal to harm Plaintiff, has hurt UGA more than it has hurt Dr. Benedek, as all associated department heads will testify.

283.

However, the ban on official travel is basically the death penalty for the career of an ethnologist and linguistic expert, rendering it impossible to associate with international colleagues or do research. Needless to say, it makes it impossible to develop or administer study abroad programs, at which Plaintiff excelled.

284.

Defendants also imposed the sanction of denial of credit for all of Benedek's study abroad programs, regardless of their academic value. In fact, credit was denied despite the fact that no fault was found with the quality of these programs after a year-

long tenure revocation proceeding and that all charges in connection with these programs were dismissed.

285.

Defendants have continued the harassment and retaliation against Benedek, in addition to interference with his research, scholarship, and travel for those purposes, and the denial of credit, including denial of an EFT adjustment for a major publication on the language and culture of the Roma tribes that constitutes the only documentation of generations of rapidly-disappearing folklore. The EFT denial occurred after the Board of Regents letter dismissing the appeal on February 16, 2011, and occurred under the authority and direct supervision of Defendant Fallows.

286.

The Attorney General continues to oppose the rightful claims of Professor Benedek against the Board of Regents and the individual UGA Defendants, consistent with the agreement entered amongst the Defendants not to respond to Benedek's letter of October 31, 2009, and thereby continues to act in furtherance of that conspiracy to injure Plaintiff.

287.

In furtherance of this conspiracy, the Attorney General has, and continues to misrepresent both material facts and applicable law, and engage in numerous conflicts of interest both in defending himself and his co-defendants. These misrepresentations

and conflicts of interest violate the Georgia Rules of Professional Responsibility, including without limitation Rules 1.2(d), 1.16, 3.1, 3.3, and 4.1.

288.

These misrepresentations are themselves false statements to a state agency in an official proceeding in violation of OCGA §16-10-20, and thus RICO predicate acts in furtherance of the conspiracy in which the Attorney General had already taken part through knowingly false statements in official proceedings and subornation of perjury.

Retaliatory Motive

289.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

290.

In all claims herein, Defendants acted with the motive of retaliating against Dr. Benedek for his protests of the Adams administration and other expressions of his opinion on matters of public importance.

291.

Defendants' conduct was reckless and callously indifferent, was motivated by malice, and actually caused physical as well as direct economic harm to Plaintiffs. The stress caused by the false charges knowingly and maliciously brought against Professor

Benedek in retaliation for his criticisms of President Michael Adams and his administration, and the threat to Benedek's career and livelihood, caused enormous stress to Dezso Benedek, who developed medical conditions that required treatment, and suffered the exacerbation of existing physical conditions.

CLAIMS

GEORGIA RICO

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

292.

Defendants' systematic and concerted attempts to harm Plaintiffs and their economic interests with the intent and common purpose to eliminate Dr. Benedek's programs and destroy his career constitute an enterprise under OCGA § 16-14-3(6).

293.

Defendants engaged in a pattern of racketeering activity through more than two acts in furtherance of a scheme with similar intents, results, accomplices, victims, and methods of commission, with the last act within four years of another such act pursuant to OCGA § 16-14-3(8).

294.

Defendants committed predicate acts of racketeering activity under OCGA § 16-14-3(9)(A) by committing acts indictable under the following criminal statutes and RICO subsections:

OCGA § 16-10-94, tampering with evidence. OCGA § 16-14-3(9)(A)(xvi).

OCGA § 16-10-20, false report to state. OCGA § 16-14-3(9)(A)(xv).

OCGA § 16-10-70, perjury. OCGA § 16-14-3(9)(A)(xv)

OCGA § 16-10-72, subornation of perjury. OCGA § 16-14-3(9)(A)(xv)

18 USC § 1961 & 1341, mail fraud. OCGA § 16-14-3(9)(A)(xxix)

18 USC § 1961 & 1343, wire fraud. OCGA § 16-14-3(9)(A)(xxix)

18 USC § 1028 (fraudulent identification). OCGA § 16-14-3(9)(A)(xxxvi)

OCGA §16-9-90 et seq, GCSPA. OCGA § 16-14-3(9)(A)(xxviii)

OCGA §16-9-93.1 (computer identity theft). OCGA § 16-14-3(9)(A)(xxviii)

OCGA §16-9-121 (identity fraud). OCGA § 16-14-3(9)(A)(xxxvi)

OCGA § 16-10-93 (influencing witness). OCGA § 16-14-3(9)(A)(xiv)

Evidence tampering

295.

Defendants acted with the intent to cause a wrongful apprehension and obstruct Dr. Benedek's ability to defend himself in the following predicate acts of evidence tampering:

296.

Defendant Fallows ignored the verification of the ELTE transcripts and attempted to falsify evidence to create a misleading impression that the transcripts were not valid.

297.

For that purpose Fallows altered the official ELTE transfer credit transcripts accepted as official documents by UGA by altering them to conceal the ELTE seal indicating their legitimate authorship and origin.

298.

For that purpose he illegally sent the altered ELTE transfer credit transcripts to outside agencies seeking negative comments.

299.

The UGA Office of Legal Affairs and Attorney General presented the negative references fraudulently obtained from Silny to the screening panel in order to obtain a recommendation of tenure revocation on false pretenses.

300.

The UGA Office of Legal Affairs and Attorney General concealed from the screening committee the verification of the transcripts by ELTE, and the existence of the UGA-ELTE Cooperative Agreement in order to obtain a recommendation of tenure revocation on false pretenses.

301.

The UGA Office of Legal Affairs and Attorney General concealed from the screening committee the fact that three agencies differed from Silny's finding that the transcripts were suspect and instead recommended that credit be awarded.

302.

Defendants including but not limited to Jane Gatewood concealed the existence of the UGA-ELTE Cooperative Agreement.

303.

Defendant Laster denied the existence of the UGA-ELTE Cooperative Agreement under oath at the tenure hearing.

304.

With knowledge of the fraud in obtaining the Silny report, the Attorney General quoted its misrepresentation in stating formal charges against Benedek in the tenure hearing with the intent of destroying his programs and career.

305.

Defendants including but not limited to Jane Gatewood, Judy Shaw, and the Attorney General concealed the existence of the memo from Shaw and Dean Kavita Pandit ordering Benedek to terminate the study abroad program at Jilin.

306.

With knowledge of the Jilin memo, and thus the falsity of the charge, the Attorney General stated a formal charge against Benedek for destroying the Jilin program in the tenure hearing with the intent of destroying his programs and career.

307.

Upon information and belief, the documentation of the falsification of charges and fabrication of evidence was concealed from members of the Board of Regents prior to the Regents dismissing without comment Dr. Benedek's appeal, which included extensive documentation of the wrongdoing in this matter.

308.

These criminal violations constitute predicate acts of the RICO conspiracy and pattern of racketeering activities.

False Report to State Agency

309.

Defendants made false reports on a matter within the jurisdiction of a state agency when they falsely advised UGA students that credit was denied for Professor Benedek's programs based on an "exhaustive" investigation.

310.

Defendants made false reports on a matter within the jurisdiction of a state agency when they made false and misleading reports to the initial tenure screening panel.

311.

Defendants made false reports on a matter within the jurisdiction of a state agency when they issued the report of the tenure screening panel.

312.

Defendants made a false report on a matter within the jurisdiction of the state when issuing a letter adopting the report of the tenure screening panel known to be based upon fraud and criminal violations.

313.

Defendants made false reports on a matter within the jurisdiction of a state agency when they knowingly submitted a false written statement of charges against Dr. Benedek, transmitted both electronically and by U.S. mail.

314.

Defendants made false reports on a matter within the jurisdiction of a state agency they issued a tenure committee finding that Benedek, though cleared off all charges of conflict of interest, was guilty of insubordination for failing to report his conflicts of interest.

315.

Defendants made false reports on a matter within the jurisdiction of a state agency each and every time a letter was transmitted through the U.S. mail endorsing known misrepresentations, based on the fraudulent proceedings and inuring to the detriment of Benedek, including without limitation the findings of the hearing committee.

316.

In particular Defendants made false reports on a matter within the jurisdiction of a state agency when they issued and adopted findings known to be false that Professor Benedek was insubordinate for failure to report information requested by Defendants on Benedek's supposed conflicts of interest—with the knowledge that such a finding was inconsistent and mutually exclusive with the findings by the same hearing committee that Benedek had engaged in no conflicts of interest, and with the knowledge that Benedek had in fact answered Defendants' inquiries through his counsel to respond that there were no conflicts to report (as Defendants knew already, since they manufactured the conflict of interest charges and the evidence)

317.

The Board of Regents, as advised by the Attorney General, made false reports on a matter within the jurisdiction of a state agency when it, by letter of February 16, 2011, transmitted through the U.S. mail, endorsed the findings of these fraudulent proceedings, ignoring the evidence in the form of authenticated documents and sworn testimony presented to it by Benedek.

318.

Upon information and belief, the Attorney General and an agent(s) of the Board of Regents made a false report on a matter within the jurisdiction of a state agency when he and/or she falsely concealed the issues and documentation of wrongdoing in Benedek's appeal from the members of the Board of Regents.

319.

The Board of Regents, as advised by the Attorney General, made a false report on a matter within the jurisdiction of a state agency when it stated that it carefully considered and investigated the matters brought to it by Plaintiff Benedek on appeal.

320.

These criminal violations constitute predicate acts of the RICO conspiracy and pattern of racketeering activities.

Perjury

321.

Defendant Fallows committed perjury when he testified under oath that he did not circulate a memo impugning the Huangshan program, and that Professor Benedek did not willingly enter into an agreement with Provost Mace—as confirmed by Mace’s sworn testimony—to make the Huangshan Chinese language study abroad program a UGA program.

322.

This was a material issue regarding the intent of the Defendants in maintaining this scheme of misrepresentations in order to injure Benedek—as the memo Fallows denied circulating was contrary to the agreement between Benedek and Mace and the instructions from Mace to adopt Huangshan as a UGA program.

323.

Fallows claimed on the stand that the document represented “notes to myself” that were never circulated to third parties. However, the document was widely circulated by Fallows on campus as part of the campaign to injure Benedek’s career and programs.

324.

Upon information and belief, the Attorney General counseled Fallows in preparation for the hearing to give this false account.

325.

Fallows also committed perjury when he testified in support of the charge that Dr. Benedek falsified the ELTE transfer credit transcripts with actual knowledge that ELTE had verified the transcripts at the highest level of the university, and that Fallows himself had engaged in artifice and withheld information in order to obtain the negative reference from Silny, upon which the charge was based without any other evidence whatsoever.

326.

Fallows committed perjury when he gave false and misleading testimony occluding the documentation from ELTE that the transcripts were authentic.

327.

Fallows committed perjury when he testified that the evidence he manufactured through mail fraud, wire fraud, falsification of documents, identity fraud, and computer identity theft reflected the truth regarding the ELTE transcripts.

328.

Defendant Laster committed perjury when she denied the existence of the UGA-ELTE Cooperative Agreement, and when she testified that Dr. Bendek did not inform students of the vindictive and retaliatory decision to deny credit and HOPE funding for

the Maymester in Budapest, in spite of UGA students coming to her to protest the decision.

329.

Defendant Gatewood committed perjury when she concealed the existence of the UGA-ELTE Cooperative Agreement, and testified that Professor Benedek destroyed the Jilin program with the knowledge and documentation that Defendant Shaw had ordered the termination of the program.

330.

Defendant Shaw committed perjury when she denied the existence of the UGA-ELTE Cooperative Agreement and the authenticity of the ELTE transfer credit transcripts, and when she denied that Professor Benedek created the Huangshan program for UGA and willingly entered into an agreement with Provost Mace to make it a UGA program.

331.

These criminal felony violations constitute predicate acts of the RICO conspiracy and pattern of racketeering activities.

Subornation of perjury

332.

The Attorney General suborned perjury by bringing UGA witnesses to testify under oath at the tenure hearing in support of the charge, known to be false according to documents concealed by Defendants, that Dr. Benedek destroyed UGA's program at Jilin.

333.

The Attorney General suborned perjury by wrongfully withholding the UGA document establishing that Defendant Shaw ordered termination of the Jilin program.

334.

The Attorney General suborned perjury by bringing witnesses to knowingly give false testimony that Benedek did not willingly enter into an agreement to make Huangshan a UGA program, and through "speaking objections" that the writing signed by Benedek and Mace was not an agreement.

335.

The Attorney General suborned perjury by calling witnesses to testify that Benedek committed academic fraud by falsifying the ELTE transcripts with full knowledge that the transcripts were authentic and that Defendant Fallows had manufactured the evidence to the contrary.

336.

The Attorney General suborned perjury by bringing Noel Fallows to the stand to testify in support of the charge that the ELTE transcripts were falsified by Dr.

Benedek, with knowledge of ELTE's verification of the transcripts, basing Fallows' testimony on the Silny report, with knowledge of the artifice and misrepresentation by which this manufactured evidence was obtained.

337.

These criminal felony violations constitute predicate acts of the RICO conspiracy and pattern of racketeering activities.

Mail and wire fraud

338.

Defendants violated U.S. mail and wire fraud statutes, and the Georgia RICO Act, each and every time they made a misrepresentation via phone call, electronic mail, or U.S. mail to harm Professor Benedek in furtherance of this fraudulent scheme and conspiracy.

339.

These communications were intended and devised as schemes and artifices to defraud by means of false or fraudulent pretenses, that Defendants caused to be transmitted by US mail or wire for purposes of executing their fraudulent scheme.

340.

These violations include, without limitation, emails and letters sent impersonating UGA students in order to create false and misleading evidence that

Benedek falsified transfer credit transcripts, emails and letters sent in furtherance of the fraudulent tenure revocation proceedings and its conclusions, emails and letters sent to reprimand or punish Benedek on the basis of the falsified evidence, both within and independently of the tenure revocation proceedings.

341.

These violations constitute predicate acts of the RICO conspiracy and pattern of racketeering activities.

Fraudulent Identification Document

342.

Defendant Fallows, in the course of manufacturing false evidence that Plaintiff committed academic fraud by falsifying ELTE transfer credit transcripts, falsely identified himself as a UGA student, and possessed and transmitted identification documents bearing the names and Social Security numbers of UGA students without authorization and knowing that production of that document was without lawful authority in violation of 18 USC § 1028(a)(1-3). In fact, Fallows did so in violation of federal student privacy law under FERPA.

343.

Defendant Fallows transferred and used the identifying documents of UGA students containing their names and Social Security numbers in connection with

activity that constitutes a violation of Federal law (18 USC §§ 1341 & 1343 and FERPA), as well as a felony under applicable state law (evidence tampering) . 18 USC § 1028(a)(7).

344.

To further his fraudulent scheme, Fallows altered the identifying documents to hide the ELTE seal. 18 USC § 1028(d)(9)

345.

Upon information and belief, Fallows conspired with other Defendants to commit these offenses under 18 USC § 1028(f)

346.

These violations constitute predicate acts of the RICO conspiracy and pattern of racketeering activities.

Violations of Georgia Computer System Protection Act

347.

Defendant Fallows, in the course of his scheme to manufacture evidence, transferred the personal information of UGA students over a computer network without authorization. Transmission of student information in violation of FERPA is by definition without authorization. Moreover, Fallows actually logged on to computer networks in the name of UGA students and transmitted their personal data without

their knowledge or permission—in order to create false documentation that Professor Benedek committed academic fraud by falsifying the transfer credit transcripts whose authenticity had been confirmed by the issuer, ELTE.

348.

When Defendant Fallows viewed and used the private information of UGA students over a computer network, he committed the crime of Computer Invasion of Privacy under OCGA § 16-9-93(c).

349.

Upon information and belief, Fallows conspired with other Defendants in these violations of the Georgia Computer Protection Act—for which they are subject to criminal penalties of up to a \$50,000 fine and 15 years in prison. OCGA § 16-9-93(h)(1).

350.

Plaintiff Benedek was harmed by the violations of the provisions of the Georgia Computer Protection Act and is therefore entitled to damages sustained and the costs of suit. OCGA § 16-9-93(g)(1).

351.

Defendant Fallows represented UGA and the Board of Regents in the commission of these violations. To the extent they were committed for purposes of the tenure revocation proceedings, Fallows represented President Adams. Further, upon

information and belief, Fallows conspired with additional Defendants in the commission of these violations of the Georgia Computer Systems Protection Act.

352.

These violations constitute predicate acts of the RICO conspiracy and pattern of racketeering activities.

Computer Identity Theft

353.

When Dean Fallows, acting for himself and as a representative of UGA, President Adams, and the Board of Regents, logged into a computer network using the name and personal identifying information of UGA students—in furtherance of the scheme to manufacture false evidence with the intent of injuring Professor Benedek—and communicated by electronic means with third parties, including ELTE and other institutions, whether directly or through Silny, implying that this use of the students' names and personal identifying information was authorized, when in fact it was an unauthorized FERPA violation, committed without the students' knowledge or permission, Defendants violated OCGA §16-9-93.1

354.

Defendant Fallows represented UGA and the Board of Regents in the commission of these violations. To the extent they were committed for purposes of the tenure revocation proceedings, Fallows represented President Adams. Further, upon information and belief, Fallows conspired with additional Defendants in the commission of these violations of the Georgia Computer Systems Protection Act.

355.

Plaintiffs learned of these computer activities of Defendant Fallows through his testimony during the tenure revocation hearing at UGA in July of 2010.

356.

These violations constitute predicate acts of the RICO conspiracy and pattern of racketeering activities.

Identity Fraud

357.

Defendant Fallows, in the course of sending out the private identifying information of UGA students, without their knowledge or permission, in violation of FERPA, for purposes of manufacturing false evidence intended to harm Plaintiff Benedek, fraudulently used that personal identifying information in violation of OCGA § 16-9-121(a)(1).

358.

Defendant Fallows, without authorization or consent, used fictitious identifying information concerning a real person with the intent to use it for the purpose of facilitating the commission of a crime or fraud on another person, in violation of OCGA § 16-9-121(a)(5).

359.

Fallows conspired with Silny to commit the offense of identity fraud in receiving identification information for purposes known to be fraudulent. OCGA § 16-9-121(b).

360.

These violations constitute predicate acts of the RICO conspiracy and pattern of racketeering activities.

Influencing Witnesses

361.

By improperly influencing witnesses in the tenure revocation proceedings at UGA, Defendants violated OCGA § 16-10-93.

362.

The most clearly documented example of influencing witnesses occurred when the UGA Office of Legal Affairs suggested to former Dean Clifton Pannell that he should not confirm the ELTE account of the arrangement to issue transfer credits for the Maymester in Budapest under the UGA-ELTE Cooperative Agreement, and the

legitimacy and authenticity of the transfer credit transcripts called into question by Defendants—and in particular by Defendant Fallows in his direct communications with ELTE—by labeling the official ELTE response with the notation “Here is the strange email.”

363.

This notation obviously indicates that there were prior communications between the UGA Office of Legal Affairs and Dean Pannell in which ELTE’s response confirming the legitimacy of the transcripts and affirming the excellent academic quality of the Maymester in Budapest program as part of the history of collaboration between ELTE and UGA under the UGA-ELTE Cooperative Agreement, had been the butt of aspersions by the Office of Legal Affairs.

364.

Upon information and belief other witnesses testifying against—or not testifying in favor of Plaintiff Benedek were subjected to either threats or rewards for their false testimony and concealment of facts, documents, and other evidence in these proceedings.

365.

Upon information and belief, that illegal influencing of witnesses, through control over their employment by or through UGA or the Board of Regents, applies without limitation to some or all of the specific incidents of perjury, evidence

tampering, and false statements regarding matters under the jurisdiction of a state agency identified in this Complaint.

366.

These criminal violations constitute predicate acts of the RICO conspiracy and pattern of racketeering activities.

RICO Enterprise

367.

Defendants maintained control of the enterprise through this pattern of racketeering activity. OCGA § 16-14-4(a).

368.

The enterprise is the association of the individual Defendants working through their respective state agencies and controlling them for illegitimate purposes, namely concerted retaliation against Professor Benedek with the intent to harm his economic interests through a related pattern of criminal code violations specified under the RICO statute, as described herein.

369.

Persons employed by or associated with Defendants participated in the scheme and maintained and controlled the enterprise for the purpose of harming the economic interests of Plaintiffs. OCGA § 16-14-4(b).

370.

Defendants conspired to participate in the scheme and maintain and control the enterprise for the purpose of harming the economic interests of Plaintiffs.

371.

Defendants thereby engaged in a pattern of racketeering activity, committing acts with similar intent and with similar victims, in furtherance of the scheme.

372.

Plaintiffs are aggrieved by the conduct of the enterprise and scheme and are thereby entitled to treble damages, attorney fees and costs of investigation and litigation from 2009 to the present. OCGA § 16-14-6(c).

373.

Defendants' actions in maintaining this scheme and engaging in this pattern of unlawful activity showed willful misconduct, malice, fraud, wantonness, oppression, and want of care that indicate conscious indifference to the consequences. Defendants acted with the specific intent to cause harm to Plaintiff, entitling Plaintiff to an award of punitive damages under OCGA 51-12-5.1 and OCGA § 16-14-6(c).

Violation of Open Records Act

374.

Plaintiff hereby incorporates and re-allege the preceding paragraphs as if set forth fully herein.

375.

Plaintiff requested documents under the Georgia Open Records Act, OCGA § 15-18-70 et seq., which would have proven without limitation that the denial of credit and all other actions taken in retaliation against him were pretextual, and in particular that the credits and transcripts for the Maymester in Budapest were issued under the cooperative agreement between ELTE and UGA, contrary to the fabricated charges and evidence that depended on the absence of these documents.

376.

Defendants violated the Open Records Act by failing to produce these documents.

377.

Defendants compounded this offense by denying the existence of certain of these documents at the hearing.

378.

The documents are University records in Defendants' custody and control.

379.

Plaintiff has independently discovered some of the documents Defendants failed to produce.

380.

These wrongful actions were taken against Plaintiff in part in retaliation for his protest of the Adams administration.

381.

UGA students requested documents from UGA pursuant to the Open Records Act with respect to the illegal scheme to impersonate them and use their transcripts in violation of FERPA in order to manufacture false evidence against Plaintiff Benedek.

382.

UGA falsely denied the existence of these documents (some of which are now in the custody of the Plaintiff).

383.

UGA further directed the students to see Defendant Fallows to discuss the matter within their Open Records request. Upon information and belief this violation of the Open Records Act was an attempt to influence witnesses, tamper with evidence, and/or suborn perjury in violation of OCGA §§ 16-10-70 & 16-10-72 & 16-10-93, as well as the RICO statute, OCGA § 16-14-1 et seq.

384.

These false responses to the Open Records requests constitute false statements in violation of OCGA § 16-10-20.

385.

Defendants are charged with producing all documents withheld contrary to Open Records requests, and for all attorney fees and other remedies under the statute.

386.

Defendants are also liable for all resulting violations of Plaintiff's rights under OCGA§16-14-1 et seq., as these acts in violation of the Open Records Act were undertaken as part of a conspiracy in furtherance of the fraudulent scheme to harm Plaintiffs through a pattern of RICO predicate acts.

Spoliation of Evidence

387.

Plaintiff hereby incorporates and re-allege the preceding paragraphs as if set forth fully herein.

388.

Defendants have wrongfully failed to preserve or caused the destruction of evidence relevant to the tenure revocation proceedings.

389.

These wrongful acts were done in order to procure an unjust result and otherwise harm Plaintiff Benedek.

390.

In particular, despite an agreement to produce all relevant documents, Defendants did not produce to Plaintiff the document in their possession showing that Benedek was ordered by UGA to terminate the Jilin program—for which he was publicly charged with improper conduct and faced with tenure revocation, for following orders.

391.

Other evidence exonerating Benedek from the false charges that was wrongfully “disappeared” includes without limitation the cooperative agreement between UGA and ELTE under which ELTE offered transfer credit for the coursework developed at UGA and taught by a UGA professor—the very arrangement noted by Silny in the transfer credit transcripts, and for which Benedek was accused of academic fraud and falsification of the transcripts, otherwise defamed, and faced with tenure revocation.

392.

Missing documents in Defendants custody and control also include without limitation transmittal correspondence from Jane Gatewood concerning renewal of the UGA-ELTE cooperative agreement.

393.

The existence of these ELTE-related documents was denied under oath by Clifton Pannell, Kasee Laster, Noel Fallows, Judith Shaw, and Jane Gatewood.

394.

Defendants agreed amongst themselves to bear false witness against Professor Benedek in the absence of this evidence subjected to spoliation as part of a pattern of violations of the state and federal criminal codes.

395.

Defendants are also liable for all resulting violations of Plaintiff's rights under OCGA§16-14-1 et seq., as these acts were undertaken in furtherance of a fraudulent scheme to harm Plaintiffs.

Retaliation

396.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

397.

Defendants improperly retaliated against Plaintiff in the workplace, causing his demotion, loss of travel authorization and EFT, and other harms.

398.

Defendants are liable for all resulting violations of Plaintiff's rights under OCGA§16-14-1 et seq., as these acts were undertaken as part of a conspiracy in furtherance of a fraudulent scheme to harm Plaintiffs.

Intentional Infliction of Emotional Distress

399.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

400.

Defendants' intentional actions in retaliating against Plaintiff, by taking action to deny credit under any available pretext, destroy his programs and injure his career and reputation, manufacturing false evidence against him, charging him with offenses known by Defendants to be false, and destroying his marriage and his domestic finances with the costs of defending himself against knowingly false charges, caused Plaintiff severe hardship, forcing him to defend his livelihood at great sacrifice of time and expense against false charges, including in tenure revocation proceedings, for which Defendants knew there was no legitimate basis beyond their retaliatory motives.

401.

This duress is of the kind that could reasonably be foreseen to cause Plaintiff severe emotional distress.

402.

Defendants continued to cause Plaintiff emotional distress through their continuing acts in furtherance of the conspiracy to retaliate against him, including ignoring his documented allegations on appeal to the Board of Regents in 2011, the denial of his EFT for publication in 2012, and the continuing false pleadings filed by

the Attorney General solely for purposes of harassment and delay, full of knowing misrepresentations of the applicable laws and material facts.

403.

Defendants' wanton and malicious conduct should be taken into account in awarding damages, including punitive damages under the RICO statute.

404.

Defendants are liable for all resulting violations of Plaintiff's rights under OCGA§16-14-1 et seq., as these acts were undertaken as part of a conspiracy in furtherance of a fraudulent scheme to harm Plaintiffs.

Conspiracy

405.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

406.

Defendants agreed amongst each other to commit the frauds and retaliation outlined in this case, including the attempts to destroy Professor Benedek's programs and injure his career and reputation, the failure to investigate the claims of Professor Benedek, the manufacture of false evidence, the bringing of charges known to be false against Plaintiff, the agreement to commit and suborn perjury relying on the protection

of sovereign immunity, the dismissal of Plaintiff's appeal without regard to the documentation of the wrongs committed against him in sworn testimony and authenticated exhibits during the tenure revocation hearing, causing his financial ruin by forcing him to defend against knowingly false charges, destroying his marriage, and through a concerted campaign of disinformation fraught with conflicts of interest by the Attorney General in defense of his own criminal conduct and that of his co-defendants.

407.

Defendants conspired in the spoliation of evidence, fraud, abuse of process, defamation, tortious interference, workplace retaliation, intentional infliction of emotional distress and loss of consortium, and violation of Plaintiff's rights of expression on matters of public importance as part of a conspiracy to commit a pattern of violations of the state and federal criminal codes.

408.

Defendants entered an explicit agreement in furtherance of the conspiracy to withhold exculpatory evidence and to make charges known to be false against Professor Benedek--both as part and parcel and independently of the tenure revocation proceedings--based on evidence known to be false and misleading, in reliance on State sovereign immunity. These actions harmed Benedek both within the tenure revocation action itself and independently of it. They harmed his economic interests, independent

of the reputational harms by a pattern of criminal violations of state and federal code sections enumerated in the RICO statute that were intentionally committed and directed specifically at harming Plaintiff Benedek in violation of the RICO statute.

409.

The conspiracy as a whole was undertaken in part to deprive Plaintiff of his rights and retaliate for his protests.

410.

Defendants are liable for all resulting violations of Plaintiff's rights as part of this conspiracy under OCGA§16-14-1 et seq., as these acts were undertaken in furtherance of a fraudulent scheme to harm Plaintiffs by committing a pattern of violations of the state and federal criminal codes.

RICO Prerequisites

411.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

412.

Defendants committed in excess of two related acts occurring within four years of each other that constitute a pattern of predicate acts under the RICO statute in furtherance of the fraudulent scheme to harm Plaintiffs and their economic interests.

These acts include, without limitation, acts of mail fraud, wire fraud, obstruction of justice, influencing witnesses, tampering with evidence, perjury, false use of identity documents, identity fraud, and false statements on matters within the jurisdiction of a state agency that have occurred within the last four years.

413.

In particular, Defendant Fallows committed mail fraud under 18 USC § 1341 when he sent student transcripts and personal identifying information, without their permission or consent in violation of 20 USC § 1232g (FERPA), to four different credit evaluation agencies in furtherance of a scheme to misrepresent the actions of Plaintiff by knowingly creating a false impression that Plaintiff falsified transfer credit transcripts from Huangshan and ELTE, in order to harm Plaintiff's economic interests.

414.

Fallows committed wire fraud under 18 USC § 1343 in furtherance of this fraudulent scheme when he emailed Silny to instruct the agency not to investigate further because he had the misleading answer he wanted about the ELTE transcripts in order the further the fraudulent scheme against Plaintiffs and harm them and their economic interests.

415.

Fallows committed identity fraud, identity fraud by computer, and false use of identity documents when he impersonated UGA students and entered their personal

information in a computer network without authorization and under false pretenses for the purpose of conducting a fraudulent scheme to harm Professor Benedek.

416.

Defendants Fallows, Shaw, Gatewood, and Laster committed mail and wire fraud when they falsely informed Notre Dame University that it should not participate in Plaintiff's study abroad programs because an investigation had found them to "lack academic merit" in furtherance of the scheme to harm Plaintiffs and their economic interests through a pattern of such misrepresentations.

417.

Defendant Fallows committed perjury under OCGA § 16-10-70 when he misrepresented his actions and motivations under oath at the tenure revocation hearing, in furtherance of the same scheme to harm Plaintiffs and their economic interests by inter alia, falsely swearing that he never circulated a derogatory memo about the Huangshan program after he was directed by the Provost to implement it as a UGA program, and when he gave false testimony concerning the ELTE transcripts based on the false evidence he manufactured himself.

418.

Defendants Fallows, Shaw, Laster, and Gatewood committed perjury when they denied the existence of the UGA-ELTE Cooperative Agreement under which the transfer credit transcripts for the Maymester in Budapest program were legitimately

issued, contrary to Defendants’ knowingly false charges of academic fraud. They also committed perjury when they denied that Professor Benedek willingly entered into a written agreement with then-Provost Arnett Mace to make the Huangshan Chinese language study program a UGA program—with the Defendants’ perjured testimony and the Attorney General’s “speaking objections,” contradicting the sworn testimony of then-Provost Mace himself.

419.

Defendants committed mail fraud and made false statements on a matter within the jurisdiction of a state agency in the issuance of letters furthering the retaliatory misrepresentations of this scheme to harm Plaintiffs and their economic interests with specific knowledge that the misrepresentations furthered by the correspondence were based on manufactured evidence, spoliation of evidence, witness tampering, fraud, and perjury.

420.

The Attorney General, working through the Board of Regents, committed mail fraud and made false statements on a matter within the jurisdiction of a state agency when it issued its letter of February 16, 2011 furthering the retaliatory misrepresentations of this scheme to harm Plaintiffs and their economic interests with knowledge that the claims that the issues and documentation brought to the Regents’ attention had *not* been considered or investigated, contrary to the statement in the

letter, and with notice that the Regents were adopting and approving the actions of the Adams administration at UGA that were based on manufactured evidence, spoliation of evidence, witness tampering, fraud, and perjury.

421.

The Attorney General made false statements on a matter within the jurisdiction of a state agency and suborned perjury by knowingly promulgating false charges, calling witnesses to give false testimony and present and authenticate false manufactured evidence, as well as by defending the criminal violations of the Attorney General and his co-defendants by continuing intentional misrepresentations and violations of legal ethics in these judicial proceedings.

422.

All these acts form a pattern of related activity for the purpose of furthering the enterprise of illicit retaliation against Plaintiffs to harm them and their economic interests.

423.

Defendants maintained illegal control over the actions of the University of Georgia, the Board of Regents, and the Attorney General's office to cause these governmental entities to function as an enterprise engaged in a pattern of racketeering activity—that is, through a pattern of criminal code violations enumerated by the RICO

statute—carried out by the agents and employees of the RICO enterprise, comprised in part of corrupt governmental entities. OCGA § 16-14-4(a & b).

424.

Defendants attempted and conspired to commit these criminal code violations in a pattern of racketeering activity intended to harm the economic interests of the Plaintiffs in violation of OCGA § 16-14-4(c).

425.

The same allegations constitute a pattern of at least two related predicate acts under OCGA 16-14-1 et seq, with the last one occurring within the last five years.

426.

The acts in the pattern of racketeering activity have been committed and continue to be committed in furtherance of one or more schemes that have the same or similar intents, results, accomplices, victims, methods of commission, and are otherwise interrelated by the distinguishing characteristic of being directed at Plaintiff Dezso Benedek to destroy his career and programs and cause him economic harm, and are not isolated incidents pursuant to OCGA 16-14-3(8)(A).

Attorney Fees

427.

Plaintiffs hereby incorporate and re-allege the preceding paragraphs as if set forth fully herein.

428.

As part of the fraud and retaliation described herein, in violation of the Georgia RICO statute and otherwise, Defendants acted in bad faith, were stubbornly litigious, and caused Plaintiff unnecessary trouble and expense.

429.

Therefore, Defendants are liable to pay Plaintiff's attorney fees and other costs of litigation under OCGA § 13-6-11 and treble all attorney fees, litigation costs and costs of investigation under the Georgia RICO statute.

Punitive Damages

430.

Plaintiff hereby incorporates and re-allege the preceding paragraphs as if set forth fully herein.

431.

Defendants' actions showed willful misconduct, malice, fraud, wantonness, oppression, and want of care that indicate conscious indifference to the consequences.

432.

The fraudulent misrepresentation, improper influencing of witnesses, manufacture of evidence, perjury, and false proceedings brought against Professor Benedek also breached the higher duty of those charged with keeping the public trust.

433.

Individual Defendants acted in part with the intent to retaliate against Plaintiff for the exercise of his constitutional rights in violation of OCGA §16-14-1 et seq, as these acts were undertaken in furtherance of a fraudulent scheme to harm Plaintiffs.

434.

Defendants acted with the specific intent to cause harm to Plaintiff, entitling Plaintiff to an award of punitive damages under OCGA 51-12-5.1.

435.

The award of damages may be trebled pursuant to the RICO statute.

Injunctive Relief

436.

The Rico statute provides for an order restoring all positions, privileges, programs, and benefits wrongfully denied Plaintiff, and barring Defendants from this and similar conduct.

PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully requests the following relief:

- a. Trial by jury;
- b. Judgment for plaintiff against Defendants in an amount to be determined by a jury after trial of the issues;

- c. Compensatory damages for Plaintiff;
- d. Treble damages under the RICO statutes;
- e. Punitive damages
- f. An award of litigation expenses and attorney fees, including all costs of investigation trebled under the RICO statutes;
- g. Any injunctive relief needed to restore Plaintiff and bar further retaliation by Defendants, and,
- h. Any other relief the Court deems just and proper.

Respectfully submitted this 2nd day of May, 2014.

STEPHEN F. HUMPHREYS, P.C.

/s/ Stephen F. Humphreys

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