

To: Patty Murray (Seattle), Dianne Feinstein (San Francisco), Kamala Harris (San Francisco), Elizabeth Warren (Boston), Mazie Hirono (Honolulu) and Brian Schatz (Honolulu)
From: Randy Chapel
Date: March 30, 2018
Re: Theater of the Absurd: Government Corruption at the Department of Education

Dear Senators Murray, Feinstein, Harris, Warren, Hirono and Schatz:

I previously sent you the report “*Randy Chapel: America's Rapist and Immoral Student*” concerning the Title IX kangaroo court by Western Seminary¹; the victim impact statement² concerning the RICO activities of the school, accreditors, etc.; and my mother’s in depth review of the ATS-Western Seminary “exception” scheme used by Western Seminary.³

This letter and materials is my update since November 1, 2017. My parents live on the Big Island of Hawaii (96771) and in Boulder Creek, CA (95006), while I am from Northern California. I included **Senator Warren** due to her long-standing concerns about the Department of Education not holding schools accountable, especially schools defrauding students. I am also sending this to **Senator Murray** because she is the ranking member on Senate H.E.L.P.

As of the date of this letter, DeVos and her staff are **actively** obstructing justice and transparency, and covering for conspirators – *one of which is Kent Talbert*.⁴

1. Since my Title IV report on **October 10, 2017**, other parties have been made aware of the three documents I sent you. Attorneys and others around the country are concerned with the direction of Title IX policy, DeVos’ actions or inactions in this case, and the ongoing abuses by schools against male students. There is interest in how DeVos acts in this case to deal with the corruption within the agency, the Title IV fraud and Title IX issues. The actions by DeVos are seen as empirical proof of the true policy designs by the Trump Administration, most of all given what has happened to my family and me.
2. The government used Assistant U.S. Attorney James A. Scharf as a bully and weapon, causing further damage.⁵ I confronted Mr. Scharf on **November 7, 2017** and once again on **November 20, 2017**. Carol and I will not tolerate further bullying and abuse, either by Scharf or the government.
3. On **November 13, 2017**, I posted a statement concerning the agency supporting and defending child molestation cover-up as a means to earn an education.
4. My mother and I have engaged both Senators **Hirono** and **Feinstein** for help regarding the lack of production regarding materials we requested from the Departments of Education and State under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. As of the date of this letter, the Department of Education continues to withhold records in violation of the law or has acted to disregard FOIA requests.

On **December 8, 2017**, Senator Feinstein’s SF office informed my mother that **Ms. Aily Zhang** contacted the Department of Education (responses usually take from six to eight weeks). Subsequently, on **March 26, 2018** my mother contacted **Ms. Zhang** who noted over the phone they have received nothing from the Department of Education as of that day.

The Department of State did produce a few requested FOIA records concerning the International Parental Child Abduction of American Joel Chapel. Of interest, State Department staffers were directed in writing to not communicate with me or to go to any websites involved in the case because they would be tracked. The Obama

¹ http://www.educationalfraud.com/m/2017/20171010_RandyChapelAmericasRapistandImmoralStudent.pdf

² http://www.educationalfraud.com/m/2016/20160602_AbridgedVictimImpactStatement.pdf

³ http://www.educationalfraud.com/m/2017/20170515_DeptEdFOIAFollowup_final.pdf

⁴ I indicated Kent Talbert as one of the Department employees involved in the government corruption in the Victim Impact Statement. Not only did we communicate with Margaret Spellings, but also Talbert in his role as General Counsel. Talbert has returned to the Department in the 2nd spot under DeVos (Talbert has been delegated the duties of the Deputy Secretary pending the confirmation of General Mick Zais by the U.S. Senate.). <https://www.ed.gov/news/press-releases/kent-talbert-joins-department-education-senior-policy-advisor> Kent Talbert has a professional and personal reason to cover up what is going on, as he was part of it in 2007-2008 and it was his office that directed agency employees to cease any communications with my mother, our attorney and me in 2008.

⁵ <http://www.jamesscharf.com> and <http://www.educationalfraud.com/Scharf.html>

Administration acted to get between me as a father and my child, in violation of my parental rights, doing whatever they wanted rather than doing what the father asked. Covered on **Dec. 19, 2017**, p. 5-6 & footnotes.

Very conspicuously, the Department of State said no records exist to indicate Susan Allister (my ex-wife who abducted and retained Joel in England) was barred from entry into the United States contrary to as Susan's claims. Another FOIA request was processed by the U.S. Customs and Border Protection that indicated it was "unable to locate or identify any responsive records" concerning Susan Allister being barred from entry into the United States or any records at all concerning Susan Allister being apprehended and interviewed at the SF port of entry. Therefore, Susan could enter the United States at all times, including now, and her statements not being allowed reentry are untrue.

It appears that Susan's plan was to remain in England and abduct Joel pending the outcome of my case against Western Seminary. Then she forum shopped a divorce in England using the government corruption and educational fraud and her false claim of no United States re-entry as a means to force the divorce and retain Joel indefinitely. She directly ties her claims for divorce in court documents to the case.⁶ By doing so, she leveraged the ongoing complex, white-collar criminal activities of Western Seminary, ATS, NWCCU, and certain government employees, including Kent Talbert, to obtain her divorce and abduct American Joel Chapel. I have not spoken with Joel since November 2010, or been with him since April 2010. Joel is 9 years old.

5. Regarding my **October 10, 2017** Title IX report. I received an email communication on **December 11, 2017** from the Program Legal Group, Office for Civil Rights claiming among other things, "Anyone who believes that a recipient institution has engaged in sex discrimination may file a complaint with the Department's Office for Civil Rights (OCR)."

This was both emotionally and intellectually infuriating for me. I reminded them of the failures of OCR in 2005, which caused or greatly contributed to a situation of catastrophic and irreparable damage. OCR's actions suggest that Candice Jackson,⁷ Alejandro Reyes, Matthew Faiella and others have not invested the time to understand this case or its history or its implication.

I reminded OCR that it failed to catch the 18 U.S. Code § 1001 misrepresentations and fraudulent documents that Western Seminary submitted in order to appear compliant with Section 504 during OCR's federal investigation in 2005, while degrading Western's violations against me in 2002.

I became aware of OCR's failures in 2005, due to a FOIA filed in 2010. Due to the FOIA responses from OCR, I was able to piece together the Section 504 fraud of 2005,⁸ and the various documents and parties who violated 18 U.S. Code § 1001. On **January 2011**, I informed Arne Duncan and others (*OCR Review*) of Western's unlawfulness, and in the time-honored tradition of the agency, I was ignored. These interactions suggest agency employees are 1) not taking the time to understand the complex white-collar criminal activities involving Western Seminary; 2) intellectually questionable for their various positions or outright incompetent; and 3) they demonstrate a willingness to do only *marginal* work on the tax-payer's dime, while students suffer.

6. Fed-up on **December 13, 2017**, I sent one of many examples of 18 U.S. Code § 1001 misrepresentations and fraudulent statements taken from my *OCR Review* about Lynn Ruark (for Western Seminary) misleading OCR in 2005. I was ignored again, in the time-honored tradition of the agency.
7. On **December 15, 2017**, I forwarded comments about the case to other third parties.
8. Then on **December 19, 2017** I wrote an eight-page letter of the case highlights to DeVos, Candice Jackson, Philip Rosenfelt and the PLG-OCR. At no time did any agency employee ask me to outline the case or produce records, or to provide any insight or reasoning. Once again, I was ignored.

I specifically outline how Western Seminary and its accreditors with members of the agency have acted together in their complex white-collar criminal activities. I also outline how the abduction of my son, Joel Chapel fit into the overall timeline and how the Obama Administration used James A. Scharf to *psychologically torture*

⁶ http://www.joelchapel.com/docs/20110201_courtpapers_Part_2.pdf

⁷ <https://www2.ed.gov/about/offices/list/ocr/contactus2.html>

⁸ Compliance with Section 504 is required to receive Title IV funds and is also part of the contractual agreement by and between school and the agency, codified at 20 U.S. Code § 1094.

and emotionally water board me to the point of irreparable damage, and took away my 2nd amendment rights based on fraudulent claims by James A. Scharf.

9. On **January 22, 2018**, U.S. Marshals Ms. Angelique Poe and Mr. Gabe Ganibe visited us to ask if I had threatened Ms. DeVos. My mother received and talked to them for about an hour concerning the case before I drove up later and spoke briefly with them. You can reach them at: 300 Ala Moana Blvd., Room C-109, Honolulu, HI 96850, Phone: 808-687-6414, Angelique.poe@usdoj.gov

We added written statements concerning the visit and we included the eight-page note dated **December 19, 2017** (above). This was also sent to DeVos, Jackson and Rosenfelt. In particular, I noted the use of *eisegesis*⁹ by post modernists and liberals in order to impose their views into laws and text, as I tied the use of eisegesis to the gender identity claims under Title IX and compared the failures of the agency to hold accountable the accreditors ATS, NWCCU and their member school, Western Seminary.

10. As noted earlier, on **January 23, 2018** Kent Talbert, *the same person who with Margret Spellings was made aware of and knew of the case dating back to 2007*, joined the Trump Administration as Senior Policy Advisor to the Deputy Secretary. Mr. Talbert has been delegated the duties of the Deputy Secretary pending the confirmation of General Mick Zais by the U.S. Senate.¹⁰ Under Talbert as General Counsel in 2008, the Department started this mess with Margaret Spellings, Cheryl Oldham, Diane Auer Jones, Nancy C. Regan, Chuck Mula, and others.
11. On **February 21, 2018**, a FOIA appeal was filed for records about the Department of Education's abusive cover up and intentional withholding of requested FOIA records. The FOIA process is designed for transparency of the agency's actions or lack of actions and to inform Americans what the government is doing to hold the agency accountable, or in this case *protect and cover up child molesters and fraud against the government.*

Incredibly, the agency has refused to give us Western Seminary's annual financial records and audits (July 1, 2016- June 30, 2017), claiming they don't have them. As a requirement for Title IV programs, 34 C.F.R. 668.23(a)(4), "an institution must submit annually to the Secretary its compliance audit and its audited financial statements no later than six months after the last day of the institution's fiscal year." The Agency has also refused to produce records showing it has acted to cause Western to be compliant with 34 C.F.R. 668.23(a)(4), if in fact Western has refused to follow the law and regulations tied to Title IV. As a result, my 78 year-old mother has filed a lawsuit on **March 23, 2018** to force the agency to follow the law and produce records. The Department continues to cover for the school and accreditors, because by doing so, it also covers up the agency's corruption that originated during the Spellings / Talbert era. *Review pp. 16-20 of the complaint, to see how far the agency will go to cover for Western Seminary, while violating the law.*

12. On **March 30, 2018**, I communicated with Steve Korch's child molesting victim, concerning why the information concerning Korch is and remains public and why he must be held accountable.

Second Amendment and James A. Scharf

My statement dated **December 19, 2017**, pp. 5-7 describes the abuse to the point I wanted to die. It also covers James A. Scharf making misrepresentations about what I wrote to railroad me.

18 U.S. Code § 925(c) provides that the Attorney General has the discretion to relieve individuals from any disability imposed by federal firearms prohibitions. However, since 1993, the Congress has failed and refused to fund the ATF to provide such relief. According to the Congressional Research Service report on August 7, 2017: *Gun Control: FY2017 Appropriations for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and Other Initiatives*,¹¹ pages 23-24:

For FY1993 and every year thereafter, Congress included a proviso in the ATF S&E appropriations language that prevents that agency from using appropriations to consider applications for disabilities relief (i.e., reinstatement of an applicant's right to gun ownership) from individuals who are otherwise ineligible to be

⁹ **Eisegesis** is best understood when contrasted with exegesis. While exegesis is the process of drawing out the meaning from a text in accordance with the context and discoverable meaning of its author, **eisegesis** occurs when a reader imposes his or her interpretation into and onto the text.

¹⁰ <https://www.ed.gov/news/press-releases/kent-talbert-joins-department-education-senior-policy-advisor>

¹¹ <https://fas.org/sgp/crs/misc/R44686.pdf>

transferred a firearm. In the 102nd Congress, House report language (H.R. 5488; H.Rept. 102-618) included the following justification: “the Committee believes that the \$3.75 million and the 40 man-years annually spent investigating and acting upon these applications for relief would be better utilized by ATF in fighting violent crime.” Senate and Conference report language were silent on this issue. The language of this proviso is as follows:

Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c).

For FY2015, this proviso was included in the Consolidated and Further Continuing Appropriations Act, 2015 (P.L. 113-235). For FY2016, the Senate Committee on Appropriations included identical language in its reported CJS appropriations bill (H.R. 2578, as amended). The House-passed version of H.R. 2578, however, reflected a floor amendment (H.Amdt. 302) that would have required ATF to process disability relief applications for individuals. The Consolidated Appropriations Act, 2016 (P.L. 114-113), however, did not include this amended provision. Instead, it included and maintained the appropriations limitation described above. Both the Senate and House FY2017 CJS Appropriations bills (S. 2837 and H.R. 5393) included identical provisions, as does the Consolidated Appropriations Act, 2017 (P.L. 115-31).

Congress has expressly vested the AG with this discretion—which amounts to the restoration of a constitutional right—and then has refused to fund him to exercise it. Further, the second part of 925(c), which provides for judicial review becomes meaningless as shown by the determinations of the 9th circuit and in *United States v. Bean* 537 U.S. 71 (2002) “Since 1992, however, the appropriations bar has prevented ATF, to which the Secretary has delegated this authority, from using appropriated funds to investigate or act upon the applications. Section 925(c)’s text and the procedure it lays out for seeking relief make clear that an actual decision by ATF on an application is a prerequisite for judicial review, and that mere inaction by ATF does not invest a district court with independent jurisdiction.”

The Obama Administration’s use of James A. Scharf as a weapon has now created serious problems. Amazingly America has had peace and order, but they are fragile things and the U.S. Constitution did not secure them by chance. This case is about corruption that involves government employees willing to defend corruption aimed at the government itself and will say and do anything mendaciously, even if it means killing a person unwilling to cave and capitulate to the ongoing complex white-collar criminal racketeering schemes.

Uniquely clear, the Second Amendment is recognition of the need for vigilance in the face of this fundamental problem. While this case started under Spellings and Talbert, Progressives defended outright corruption for eight years. Western, while corrupt, evil, and the root cause, served the role as useful idiots to the anti-First and Second Amendment hysteria of the sociopathic Left that *unfortunately*, certain extremist members of the Obama Administration, including James A. Scharf, sought to demonstrate before the nation in this case. By using Scharf as a weapon to aid and defend corruption against government, James A. Scharf and the Obama Administration has **made NRA’s case before the nation and the very reason why we have a Second Amendment to deal with a tyrannical federal government.**

A Controlling Precedent for Schools and Accreditors

You are witness to a case where the Executive Branch has stopped at nothing to cause catastrophic and irreparable damage, even if they kill me in the process, in order to cover up the corruption at Western Seminary, ATS, NWCCU, their insurance carriers, attorneys/law firms, and certain government employees – including current agency employee Kent Talbert. *If you doubt this fact, please consider the following:*

Protection and Claims of Unpublished Policies

Since 2006, under Margret Spellings and Kent Talbert, it has been known that national accreditors “*are viewed as a guild designed to protect the guild from the public.*”¹² By December 2006, the agency had concerns the ABA, Counsel of the Legal Education and Admission to the Bar was utilizing “unwritten, unpublished standards when determining compliance with its standards,”¹³ and the agency had also failed to establish that it has controls against inconsistent application of a standard or that the standard is “capable of being consistently

¹² <https://www2.ed.gov/about/bdscomm/list/hiedfuture/reports/schray2.pdf> p. 4 middle of the page.

¹³ Transcript of the proceedings, December 2006. American Bar Association, Counsel of the Legal Education and Admission to the Bar. p. 6

applied without the agency having to rely on unpublished standards.”¹⁴ The ABA, Counsel of the Legal Education and Admission to the Bar was unable to explain how the standard in question “could be applied consistently without resorting to unpublished standards.”¹⁵ Thus, the agency was deficient in demonstrating that it complied with 602.18(a), 18(b), and 602.23(a)(3).¹⁶

It was determined that such claims by the ABA, might lead to schools violating state law or the U.S. Constitution. The agency was critical of “unpublished criteria”¹⁷ that “are not subject to the kind of scrutiny”¹⁸ as published policies. Deputy General Counsel Jeff Taylor noted, “**Regulations do require published standards so that individual institutions can understand what criteria is being used to judge them.**”¹⁹ [34 C.F.R. 602.18(a), 18(b), and 602.23(a)] with Dr. Puitt noting, “**It’s certainly reasonable that the Department and the law anticipates that schools will conduct themselves, will make sure that their behaviors are lawful. And certainly we would not want to approve an agency that has standards or requirements that would require an institution to violate the law or the Constitution...but I get the impression from this, that what it says is that to meet, to comply with the standard as this agency has written it would require or invite institutions to have to do things that would violate the law or the Constitution...would encourage or even require institutions to do things that were unlawful.**”²⁰

Dr. George Pruitt²¹ noted that the only way an ABA school could be compliant with their accreditor was through “unlawful conduct,”²² with Department employee Mr. Bill James noting for schools to meet accreditation standards they might “violate the law.”²³ Articles concerning the scandal can be found here,²⁴ here,²⁵ here,²⁶ here,²⁷ and include the fact that Talbert had knowledge of the issues.²⁸

Authority

Now jump to March 7, 2018. The Trump Administration sued California over three laws, which intentionally obstruct and discriminate against the enforcement of federal law. “The complaint contends that the laws in question are preempted by federal law and impermissibly target the Federal Government, and therefore violate the Supremacy Clause of the United States Constitution.”²⁹

There are three ways a corporation can become licensed and have the authority to do business as a school. Authority is derived from 1) A recognized Indian tribe; 2) An act of Congress to create a school; and 3) through State licensing and laws. Accreditation comes *after* a school has been licensed and is operating, and accreditation is a requirement for schools wanting to participate in Title IV federal student aid programs. Accreditation is not synonymous to licensing. A recognized Indian tribe or an act of Congress did not create Western Seminary. Western was licensed to operate under the laws of Oregon and California – *States with laws inferior to the U. S. Constitution and federal laws made pursuant to it.*

The Supremacy Clause “provides that state courts are bound by the supreme law; in case of conflict between federal and state law, the federal law must be applied. Even state constitutions are subordinate to federal law. In

¹⁴ Ibid. p. 7

¹⁵ Ibid. p. 8

¹⁶ Ibid. p. 9

¹⁷ Ibid. p. 21

¹⁸ Ibid. p. 22

¹⁹ Ibid. p. 23

²⁰ Ibid. p. 24

²¹ NACIQI member and president of Thomas Edison State College, in New Jersey on Dec 2006.

²² Transcript. p. 24-25.

²³ Ibid. p. 24-25.

²⁴ <https://www.insidehighered.com/news/2006/12/05/aba> The Education Department’s staff took a similar view, arguing that the standard “would be unevenly applied and might even require [institutions] to violate state law.”

²⁵ <https://www.insidehighered.com/news/2007/06/29/aba> “I note that the council did not directly and persuasively address the staff’s finding that the council failed to comply with ... requirements to maintain effective controls against inconsistent application of Standard 212” (the diversity standard) “and its interpretations,” Spellings wrote. – What is important to contrast is that Spellings understood the nonsensical unwritten, unpublished policy sham being perpetrated and wanted ABA to fix it. But one year later, she supported the ATS-Western unwritten, unpublished “exemption scheme” and has destroyed lives and cost parties hundreds of thousands of dollars. She knew what was going on, and understood the fraud, but for her religious buddies she looked the other way. So did Kent Talbert, Cheryl Oldham and Diane Auer Jones.

²⁶ <https://www.chronicle.com/article/Education-Department-Renews/119550>

²⁷ <https://www.chronicle.com/article/Education-Dept-Will-Challenge/122721>

²⁸ <http://www.washingtonpost.com/wp-dyn/content/article/2007/01/07/AR2007010700997.html>

²⁹ <https://www.justice.gov/opa/pr/justice-department-files-preemption-lawsuit-against-state-california-stop-interference>

essence, it is a conflict-of-laws rule specifying that certain federal acts take priority over any state acts that conflict with federal law. ... the Supremacy Clause assumes the underlying priority of federal authority."³⁰
Authority hierarchy is: Constitution → federal laws → state constitutions → state laws

The tenth amendment to the Constitution provides the basis in legal theory making education a function of the states. "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." This is why almost all post-secondary schools are state licensed. Regardless if the school is secular or teaches certain religious subjects, it is still required to be licensed by the state to have the authority to offer educational course work and bestow degrees.³¹ Because of the states' primary authority, federal law is tied to the distribution of federal money.

Forming a corporation for educational purposes does not establish that the corporation acquired degree-granting authority.³² Dating back to 1890, simply creating a corporation under state's corporation laws was not enough to grant authority to operate as a school, unless the state legislature itself had expressed such powers.³³

Contrasting: DOJ sues CA's attempt to supersede federal law using CA laws -vs.- DOJ defends that ATS schools can supersede and target the U. S. Constitution, the Constitutions of each state, federal and state laws, and decisional court cases using unwritten, unpublished, unregulated "exceptions" Western - ATS invented to cover for Western Seminary's corruption, making the school's policies able to obstruct and discriminate against the enforcement of U. S. Constitution, the Constitutions of each state, federal and state laws, and decisional court. What the DOJ/Dept of Ed has done is mind-bendingly wrong. Western Seminary is not the supreme sovereign of the United States nor does it have sovereign like powers to brandish as it sees fit.

Criminal Scheme Protected with Public Money

In 2008 the agency defended Western's and ATS' use of an unpublished, unwritten "exceptions" policy no one has ever seen and cannot articulate causing complete chaos. It is dubious to think a school or accreditor have "magical powers" to evade the law based on an "exception policy" they cooked up. However, just because a school or accreditor invents some "policy," doesn't make that policy lawful, enforceable, or give authority to the school (including a 501(c)(3) private school) to *preempt federal [or state] law and impermissibly targets the Federal Government (Title IV, Section 504, etc.)*. **Robert J. Corry, et al. v. The Leland Stanford Junior University, et al., No. 740309 (Cal. Super. Ct. Feb. 27, 1995)**.³⁴ This is because for 129 years, "in the United States, a corporation [school or accreditor] can only have an existence under the express law of the state by which it is created, and can exercise no power or authority which is not granted to it by the charter under which it exists, or by some other legislative act." **Oregon Ry. & Nav. Co. v. Oregonian Ry. Co., Ltd. 130 U.S. 1 (1889)**.³⁵

Further, the agency in 2008 ignored the fact that using settlement agreements against students (and their family members) as a means to violate the law had already been deemed unlawful, unfair and a fraudulent business

³⁰ https://en.wikipedia.org/wiki/Supremacy_Clause

³¹ To demonstrate the elaborate argumentation by the Religious to get around the law; see *New Jersey State Board of Higher Education v. Board of Directors of Shelton College*, 90 N.J. 470, 448 A.2d 988 (1982). In this case, Shelton argued that issuing degrees (religious or otherwise) was a protecting function under the First Amendment. The court correctly disagreed: "... the State's program for licensing institutions of higher education is applicable to sectarian institutions and that facially it does not unduly interfere with the free exercise of religion nor create an excessive state entanglement with religion." *Shelton College* at 998. See also *State ex rel. McLemore v. Clarksville School of Theology*, 636 S.W.2d. 706, 5 Ed. Law Rep. 1294 (1982). Unlike Shelton, Clarksville only issued degrees in religious fields. In spite of this fact, the Tennessee Supreme Court held, even with degrees in religious subjects, the state has sole authority over all degree granting. See also *State Board of School and College Registration v. Ohio St. Matthew University of St. Matthew Church of God*, Case No. 72- AP-130, Court of Appeals for Franklin County, Ohio (1972), unpublished.

³² *Nat'l Assn. of Certified Public Accountants v. United States*, 292 F. 668, 53 App. D.C. 391

³³ *Townshend v. Gray*, 62 Vt. 373, 19 A. 635 (1890).

³⁴ Text of the decision. (<https://web.archive.org/web/20050419211842/http://www.ithaca.edu/faculty/cduncan/265/corryvstanford.htm>) California is the only state to grant First Amendment protections to students at private postsecondary institutions. The Leonard Law gives students at private universities, the same rights that the First and Fourteenth Amendments guarantee to students at public universities. This statute, passed in 1992, was the basis for a state court's declaration that a code at private Stanford University was illegal. Western Seminary does not have authority to make exception to the law, the Amendments, the California Constitution or use settlement agreements to silence students. See also www.nytimes.com/1995/03/01/us/court-overturms-stanford-university-code-barring-bigoted-speech.html

³⁵ According to the Supreme Court, "stare decisis 'promotes the evenhanded, predictable and consistent development of legal principles, fosters reliance on judicial decisions, and contributes to the actual and perceived integrity of the judicial process.' Stare decisis thereby avoids the instability and unfairness that accompany disruption of settled legal expectations. For this reason, the **rule of law demands that adhering to our prior case law be the norm.**" *Justice Stephen Breyer in Randall v. Sorrell*, 548 U.S. 230 (2006). [Emphasis in opinion.]

practice as seen in *State of California v. Corinthian Schools, Inc. Los Angeles County Superior Court Case No. BC374999*.³⁶ Even a one-time unfair business act has been deemed sufficient to allege a Section 17200 claim: *Allied Grape Growers v. Bronco Wine Co.*, 203 Cal. App. 3d 432, 452 (1988) (determined defendant's conduct relating to a single contract constituted a "practice" under Section 17200). A business act or practice is "unlawful" if it violates some other law. Explaining the "unlawful" prohibition under Section 17200, the California Supreme Court stated that Section 17200 "'borrows' violations of other laws and treats these violations, when committed pursuant to business activity, as unlawful practices independently actionable under [Section] 17200." *Farmers Ins. Exch. v. Superior Court*, 2 Cal. 4th 377, 383 (1992). Claims about "unlawful" business acts or practices under Section 17200 are predicated on numerous laws and regulations at various levels of government, including: federal statutes,³⁷ federal regulations;³⁸ state statutes,³⁹ state regulations;⁴⁰ local ordinances,⁴¹ and case law.⁴² Yet, for ten years, the agency has supported and defended with public money that Western Seminary can cover up ongoing corruption by the school with its accreditors and criminal acts as criteria to education and the granting of master degrees as a means to *preempt federal [and state] law and impermissibly target the Federal Government* (Section 504, Title IV, 31 U.S. Code §§ 3729–3733, 20 U.S. Code § 1094, etc.) by *using education as a vehicle for fraud*. Just as stare decisis predicates that schools can't preempt federal [or state] law or undermine the Federal Government with dodgy policies, it also follows that school administrators don't have "magical powers" to evade or preempt the law either. This most certainly is the case for the child molester Steve Korch demanding the cover up of his unnatural sexual history,⁴³ and Gary Tuck covering for his adult son concerning Section 504 requirement violations.⁴⁴

³⁶ Cost Corinthian \$6.5 million to settle, as Corinthian was violating state law, and "required confidentiality clauses in agreements settling disputes with third parties, including students, former students, and graduates, which bar those who settle from discussing any of the bases for their disputes with 'any governmental agency,' and which purport to require those who settle to pay Defendants liquidated damages, in the amount of the entire sum paid under any settlement, if such confidentiality clause is violated." See <https://oag.ca.gov/news/press-releases/brown-reaches-multi-million-settlement-corinthian-vocational-school> Western Seminary, Gary Tuck, Lynn Ruark and Steve Korch all demand the same as criteria to my education.

³⁷ See, e.g., *Ballard v. Equifax Check Serv., Inc.*, 158 F. Supp. 2d 1163, 1176 (E.D. Cal. 2001) (Section 17200 violation for "unlawful" conduct predicated upon defendant's violation of federal Fair Debt Collection Practices Act); *Southwest Marine, Inc. v. Triple A Mach. Shop, Inc.*, 720 F. Supp. 805, 808 (N.D. Cal. 1989) (holding that plaintiff stated a claim under Section 17200 based on a violation of federal environmental laws).

³⁸ See *Southwest Marine*, 720 F. Supp. at 807-08 ("borrowing" Navy procurement regulation as predicate for Section 17200 was proper where defendant was able to underbid Navy contract as a result of improperly disposing hazardous wastes).

³⁹ Various state law violations, ranging from criminal statutes to the California Vehicle Code, have served as the underlying bases for "unlawful" claims. See, e.g., *Midpeninsula Citizens for Fair Housing v. Westwood Investors*, 221 Cal. App. 3d 1377, 1390, 1393 (1990) (enforcing Unruh Civil Rights Act); *Quelimane*, 19 Cal. 4th at 42-43 (violations of the Cartwright Act); *Hewlett v. Squaw Valley Ski Corp.*, 54 Cal. App. 4th 499, 520-25 (1997) (violations of the Forest Practices Act) (superseded by statute); *Podolsky v. First Healthcare Corp.*, 50 Cal. App. 4th 632, 649 (1996) (violation of the Consumers Legal Remedies Act ("CLRA")); *People ex rel. Van de Kamp v. Cappuccio, Inc.*, 204 Cal. App. 3d 750, 759 (1988) (violations of Fish & Game Code); *Stop Youth Addiction*, 17 Cal. 4th at 573 (violation of penal code prohibition of cigarette sales to minors).

⁴⁰ See, e.g., *People v. McKale*, 25 Cal. 3d 626, 635 (1979) (mobile home park regulations); *People v. Casa Blanca Convalescent Homes, Inc.*, 159 Cal. App. 3d 509, 528-30 (1984) (nursing home regulations).

⁴¹ See, e.g., *Consumers Union of United States, Inc. v. Alta-Dena Certified Dairy*, 4 Cal. App. 4th 963, 967 (1992) (county ordinance regulating the sale of raw milk products); *People v. Thomas Shelton Powers, M.D., Inc.*, 2 Cal. App. 4th 330, 334, 336 (1992) (city subdivision code) (overruled on other grounds).

⁴² See, e.g., *Bondanza v. Peninsula Hosp. & Med. Ctr.*, 23 Cal. 3d 260, 266-68 (1979) (holding surcharge on delinquent account was "unlawful" in that it violated rule adopted in earlier case).

⁴³ *Mary R. v. B. & R. Corp.*, 149 Cal. App. 3d 308 (1983) "The stipulated order of confidentiality is contrary to public policy, contrary to the ideal that full and impartial justice shall be secured in every matter and designed to secrete the evidence in the case from the very public agency charged with the responsibility of policing the medical profession. We believe it clearly improper, even on stipulation of the parties, for the court to issue an order designed not to preserve the integrity and efficiency of the administration of justice (cf. *Younger v. Smith* (1973) 30 Cal. App.3d 138 [106 Cal. Rptr. 225]), but to subvert public policy by shielding the doctor from governmental investigation designed to protect the public from misconduct within the medical profession, and which may disclose a professional license of this state was used to establish a relationship which subjected a juvenile patient to criminal conduct. Such a stipulation is against public policy, similar to an agreement to conceal judicial proceedings and to obstruct justice. (*Maryland C. Co. v. Fidelity, etc. Co.* (1925) 71 Cal. App. 492, 499 [236 P. 210].) Moreover, in light of the statutory obligation 317*317 of Division to investigate and regulate the medical profession, a law established for a public reason cannot be waived or circumvented by a private act or agreement. (*Covino v. Governing Board* (1977) 76 Cal. App.3d 314, 322 [142 Cal. Rptr. 812]; Civ. Code, § 3513; see *Bianco v. Superior Court* (1968) 265 Cal. App.2d 126, 130-131 [71 Cal. Rptr. 322]; *Benane v. Internat. Harvester Co.* (1956) 142 Cal. App.2d Supp. 874, 878 [299 P.2d 750].) Accordingly, since such a contract made in violation of established public policy will not be enforced (*Bianco v. Superior Court, supra*, 265 Cal. App.2d 126, 131), it is improper for the court to sanction the parties' stipulation under the pain of threatened contempt. In light of its over breadth and its intended effect upon the investigation of Division, we strike the order of confidentiality, stressing an enactment designed for the public welfare cannot be abridged by stipulation. (3 Cal.Jur.3d, Agreed Case and Stipulations, § 18, p. 270; see *Wilson v. Wilson* (1973) 45 Cal. 399, 405.)"

⁴⁴ *Barker v. Riverside County Office of Educ. (9th Cir. 2009) 584 F.3d 821* "No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Section 601 of [the Civil Rights] Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part."

The Agency, Spellings, Talbert “Knew or Should Have Known” the Whole Time

On October 7, 2011 and under oath⁴⁵ Jill Siegelbaum, Attorney in the Office of General Counsel for the United States Department of Education, stated that “For items 28-35, 39, 50-51, 56-63 and 65-78, OPE had no responsive records and is unaware of any other location where such records might be located.” The agency never had any evidence at any time and clearly no legal evidence to support its various conclusions, claims, letters, etc. that Western Seminary could circumvent the U. S. Constitution, the Constitutions of each state, federal and state laws, and decisional court cases with the dubious ATS-Western exception scheme:

- #28: The ATS “exception” policy in effect on March 14, 2006
- #32: The NWCCU “exception” policy in effect on March 14, 2006
- #58 The ATS “exception” standards or policies in which schools have a business practice of overriding the law as of 1999
- #59 All records between the Department and ATS concerning standards or procedures for exceptions since 1999
- #29 The ATS 34 CFR § 602.22 policy in effect on March 14, 2006.
- #30 The ATS 34 CFR § 602.22 policy in effect on August 29, 2008.
- #31 The current ATS 34 CFR § 602.22 policy.
- #33 The NWCCU 34 CFR § 602.22 policy in effect on March 14, 2006.
- #34 The NWCCU 34 CFR § 602.22 policy in effect on August 29, 2008.
- #35 The NWCCU 34 CFR § 602.22 policy.
- #56 The ATS standards or procedures that override *Mary R. v. B. & R. Corp., 149 Cal. App. 3d 308 (1983)* as of March 14, 2006
- #57 The NWCCU standards or procedures that override *Mary R. v. B. & R. Corp., 149 Cal. App. 3d 308 (1983)* as of March 14, 2006
- #60 All ATS standards or procedures that give ATS authority over March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary
- #61 All ATS standards or procedures that give NWCCU authority over March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary
- #62 All Department records concerning ATS’ review of the March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary.
- #63 All Department records concerning NWCCU’s review of the March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary
- #65 The *settlement agreement* involving Randy Chapel and Western Seminary that provides ATS has authority to make determinations regarding the settlement agreement or the validity of the settlement agreement.
- #66 The *settlement agreement* involving Randy Chapel and Western Seminary that provides NWCCU has authority to make determinations regarding the settlement agreement or the validity of the settlement agreement.
- #67 Records of any ATS policies that gives schools authority to exceed or waive State law.
- #68 Records of any ATS policies that gives schools authority to exceed or waive decisional cases.
- #69 Records of any ATS policies that gives schools authority to exceed or waive FERPA.
- #70 Records of any ATS policies that gives schools authority to exceed or waive Federal law.
- #71 Records of any NWCCU policies that gives schools authority to exceed or waive State law.
- #73 Records of any NWCCU policies that gives schools authority to exceed or waive decisional cases.
- #73⁴⁶ Records of any NWCCU policies that gives schools authority to exceed or waive FERPA.
- #74 Records of any NWCCU policies that gives schools authority to exceed or waive Federal law.
- #75 Records that give Western Seminary authority to exceed or waive State law.
- #76 Records that give Western Seminary authority to exceed or waive decisional cases.
- #77 Records that give Western Seminary authority to exceed or waive FERPA.
- #78 Records that give Western Seminary authority to exceed or waive Federal law.

The agency (as in Spellings, Talbert, etc.) knew in 2007-2008 that Western Seminary never had the authority to do what it claimed, or what they got their accreditors to claim for the school, or to enforce the March 14, 2006 Settlement Agreement. Nothing has changed since the Spellings era and DeVos has made no changes to the Spellings era corruption. We are here because the agency refuses correction and instead continues abuse.

⁴⁵ “Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.”

⁴⁶ Known error in FOIA numbering

The agency has destroyed my family and life by protecting the complex white-collar criminal activities of the school and its accreditors, so that 1) ATS and NWCCU are not sued and remain recognized as accreditors, and 2) while Western Seminary remains licensed, accredited and unlawfully receiving millions in Title IV money.

What does Arne Duncan have to say about all of this?

Duncan stated he was “*stunned*” and that it is a result of a “*rotten*” culture. That, “*the answer here is very simple, you just have a culture of integrity and you have better security measures in place. But again what was so disappointing for me here was not an isolated individual or two, this was clearly systemic; ... simply can't happen, that is absolutely inexcusable.*”⁴⁷ [Emphasis mine] The trouble is this is not what he said about the government corruption and educational fraud of this case. Duncan said this regarding the Atlanta Public Schools cheating scandal under Spellings' program that proved damaging to education. Superintendent Beverly Hall was indicted and the GBI report said she “*knew or should have known*” what was going on - just as Arne Duncan and subsequently John King Jr. and Besty DeVos know about the educational fraud and corruption against my family and me.

So what did Duncan say: “...should not be handcuffed in its authority to consider independent assessments of academic fraud,” and “accrediting commissions can punish schools for fraudulent classes, but their options are limited to probation or pulling accreditation. He called the latter option a ‘nuclear bomb,’ because it cuts off federal funding.”⁴⁸ Unfortunately, Duncan did not state this regarding the racketeering implemented by and between Western Seminary, ATS and NWCCU that the Department aided. Duncan's recent criticism is about the educational fraud at UNC, *which happens to be run by Margaret Spellings.*

“I just think about those young men who the vast majority are probably first generation in their family having the chance to go to college, and the chance not to just play basketball in North Carolina but the chance to get a degree from the University of North Carolina, ...that's a life-transforming opportunity. And the fact they were denied that chance is mindboggling. It's mindboggling. And they were denied it systemically, systematically. This was part of the University of North Carolina basketball system.”⁴⁹ ***You see, Duncan understands fraud – he gets it.*** Yet, no document has ever been produced by the agency showing Duncan took action against Western Seminary, ATS or NWCCU during his time as Secretary as my mother and I contend, *the Deep State wants this fraud.*

New Norm: Schools and Administrators are Above the Law; Students and Families are Second Class Citizens

On November 30, 2015, Senators Elizabeth Warren, Richard Blumenthal, and Richard Durbin wrote to Arne Duncan and Loretta Lynch concerning the EDMC fraud.⁵⁰ They stated:

We are also highly troubled by additional terms of the deal. No executive will go to jail, none will be sanctioned, and the settlement does not even contain an admission of wrong doing by the company. This is inexplicable and it runs counter to a highly-touted new DOJ policy on “Individual Accountability for Corporate Wrongdoing” that was announced on September 16, 2015.

This policy was put in place specifically because, as DOJ noted, “One of the most effective ways to combat corporation misconduct is by seeking accountability from the individuals who perpetrated the wrongdoing,” and because “only by seeking to hold individuals accountable... can the Department ensure that it is doing everything in its power to minimize corporate fraud, and, over the course of time, minimize losses to the public fisc through fraud.” But a mere two months after announcing this policy, when settling a case that recovered less than one percent of funds that were illegally gained by EDMC, DOJ garnered no admission of wrongdoing and held no individual accountable for the actions that significantly harmed students and taxpayers.

Senator Warren - the agency used public money to defend corruption, including cover up of Title IV fraud and child molestation as criteria for two master degrees, while destroying a student and his family.

As of the date of this letter, the agency refuses to produce any information about Steve Korch, Lynn Raurk, Gary Tuck, Randal Roberts, Rob Wiggins, Bert Downs, Western Seminary, ATS, Jeremiah McCarthy, Daniel Aleshire, NWCCU or Sandra Elman being held accountable for educational fraud. None of them have been indicted, debarred,

⁴⁷ https://www.huffingtonpost.com/2011/07/07/atlanta-cheating-scandal-_n_892169.html

⁴⁸ <http://www.newsobserver.com/sports/college/article181653816.html>

⁴⁹ <http://www.newsobserver.com/news/local/education/unc-scandal/article72234912.html>

⁵⁰ http://www.warren.senate.gov/files/documents/2015-11-30_Letter_to_Depts_of_Edu_and_Justice_re_EDMC_Settlement.pdf

or suspended under Executive Order 12529, or entered into a civil settlement agreement, or a deferred prosecution agreement, or a non-prosecution agreement, or any administrative actions have been taken against any of them. Western Seminary continues receiving Title IV money (over \$20 million), and is licensed and accredited, receiving millions in charitable donations as a result of this case being covered up from the public, with no admission of wrong doing whatsoever. In addition, both ATS and NWCCU remain recognized by the agency in spite of their involvement in the racketeering schemes.

References

- 2006 - *Assuring Quality in Higher Education: Recommendations for Improving Accreditation*. (referenced on p. 5 above) quote can be found at the middle of page 4.⁵¹
- December 2006 - FOIA 12-01033-F as produced by the Agency regarding the NACIQI meeting concerning the ABA (References on p. 5 above can be reviewed starting on p. 123, which is actually p. 7 of the NACIQI transcript.)⁵²
- January 2007 - *Why Accreditation Doesn't Work and What Policymakers Can Do About It*⁵³ by American Council of Trustees and Alumni. Anne D. Neal is a member of NACIQI. On p. 4 Neal references the ABA scandal.

Documents enclosed

- November 7, 2017 - (1) statement to James Scharf⁵⁴
- November 13, 2017 - (2) child molestation cover up for education⁵⁵
- November 20, 2017 - (3) statement concerning Government using James Scharf and bullying/abuse⁵⁶
- December 6, 2017 - (4) child molested by pastor⁵⁷
- December 11, 2017 - (5) response to OCR⁵⁸
- December 13, 2017 - (6) comment regarding Lynn Ruark to OCR (see last page)⁵⁹
- December 15, 2017 - (7) response to third parties⁶⁰
- December 19, 2017 - (8) outline to OCR⁶¹ ← Detailed and important
- January 22, 2018 - (9) statement to U.S. Marshals⁶²
- March 23, 2018 - (10) FOIA lawsuit filed against the agency⁶³ ← pp. 16-20 re: cover up for Western
- March 30, 2018 - (11) statement concerning Korch⁶⁴

You can consider these documents in the public domain. My now ex-wife, our son Joel, my parents and I have suffered and have been catastrophically and irreparably damaged, while the members of the enterprise have enriched themselves for years not only over and against my family, my parents and my life, but also over and against the government, while the agency has used public money to protect the enterprise and its agency's employees who are also involved in this case. I have lost everything over this nonsense. I have been bullied and abused, *psychologically tortured* and *emotionally water boarded* to the point of wanting to kill myself while being pushed to cave and capitulate to the ongoing complex white-collar criminal racketeering schemes. The criminal, delusional, dishonest and corrupt employees at Western Seminary, ATS and NWCCU, with their attorneys, insurance carriers and the Department of Education employees must be brought to justice. I am not even sure President Donald Trump can resolve this at this point. Responses, if any, will need to be received by **May 1, 2018**. This tortuous period of my family and I have been put through needs to stop. It is high time the government finds some other Americans to screw over.

Randy Chapel

cc: Betsy DeVos, Kent Talbert, Candice Jackson and Philip Rosenfelt
20180330_Senators.doc

⁵¹ The original can be found here: <https://www2.ed.gov/about/bdscomm/list/hiedfuture/reports/schray2.pdf>

⁵² http://www.educationalfraud.com/m/2012/12-01033-F_As_Produced.pdf

⁵³ The original can be found here: https://www.goacta.org/images/download/why_accreditation_doesnt_work.pdf

⁵⁴ http://www.educationalfraud.com/m/2017/20171107_JamesScharf.pdf

⁵⁵ http://www.educationalfraud.com/m/2017/20171113_ChildMolestationCoverup_EdDepartment.png

⁵⁶ http://www.educationalfraud.com/m/2017/20171120_GovernmentStatement.pdf

⁵⁷ http://www.educationalfraud.com/m/2017/20171206_MolestedByHerPastor.png

⁵⁸ http://www.educationalfraud.com/m/2017/20171211_OCRRResponse.pdf

⁵⁹ http://www.educationalfraud.com/m/2017/20171213_CommentRegardingRuarktoOCR.pdf

⁶⁰ http://www.educationalfraud.com/m/2017/20171215_OCRRResponse_ThirdParties.pdf

⁶¹ http://www.educationalfraud.com/m/2017/20171219_ProgramLegalGroup_OCR.pdf

⁶² http://www.educationalfraud.com/m/2018/20180122_Marshals.pdf

⁶³ http://www.educationalfraud.com/m/2018/18cv01846_1.pdf

⁶⁴ http://www.educationalfraud.com/m/2018/20180330_ConcerningKorch_Redacted.pdf