

Rutledge, Mary

From: Rubin Salter, Jr. <rsjr3@aol.com>
Sent: Tuesday, February 10, 2015 6:37 PM
To: Willis D. Hawley
Cc: rsjr3@aol.com; brammer@rllaz.com; pvictory@rllaz.com; julie.tolleson@tusd1.org; samuel.brown@tusd1.org; lthompson@proskauer.com; jrodriguez@maldef.org; zoe.savitsky@usdoj.gov; james.eichner@usdoj.gov; anurima.bhargava@usdoj.gov; deseg@tusd1.org; tusd@rllaz.com
Subject: Fisher Plaintiff's Response re: Special Master Hawley's Comments on "RE: Fisher Plaintiff's Request for R&R on Appointment of CRPI Director: Initial Findings"

Dear Special Master Hawley:

The Fisher Plaintiffs have examined Special Master (SM) Hawley's response regarding the Fisher Request for R&R on Appointment of CRPI Director, sent by email to the Plaintiffs, TUSD Counsel, and other parties on February 8, 2015. [*Re: Fisher Request for R&R on Appointment of CRPI Director: Initial Findings*]

After reviewing SM Hawley's response, The Fisher Plaintiffs hereby request SM Hawley proceed with an R&R on the Appointment of CRPI Director for the following reasons:

Improper Enhancement of Mr. Lopez's Qualifications by the District

The District has submitted no information to the SM which has enhanced the qualifications of Mr. Lopez. Rather, the information has, in fact, raised more serious issues as to his qualifications. It would appear that, from the information supplied by Mr. Lopez and the District personnel, attempting to bootstrap Mr. Lopez's qualifications creates a serious legal matter.

Without an Administrative Certificate, Mr. Lopez should never have been supervising teachers in the first place. The supervision of teachers is an integral element of this position. According to Mr. Lopez, he has been working with the District during the period of time that the application process for the Administrative Certification was taking place. Thus, during the time he was supervising teachers, he was not actually in possession of said Administrative Certificate. Mr. Lopez was serving in a capacity for which he was not qualified. This smacks of preselection and favoritism within the District.

Uncertainty as to Accurate Job Description

The District notes there were two documents with regard to the job announcement: A draft version and a final version. The District contends the draft version was mistakenly presented to the Fisher Plaintiffs in the January 26, 2015 email to the Special Master and Plaintiffs. SM Hawley, in his February 8, 2015 email, notes the District now asserts and provides documentation that the final version was first presented to the candidates. In light of the fact that the District has a history of providing inaccurate and misleading information, the Fisher Plaintiffs are left to take the word of the District without proof that the first announcement of the position was in fact not the draft version. The Fisher Plaintiffs find this to be disturbing.

Hiring Attempts for the CRPI Director are Flawed and Compromised

To date, there have been two attempts to hire a CRPI Director for the District. Both of these attempts are fraught with dubious mistakes. The first attempt to hire a CRPI Director, according to the District, was compromised and therefore withdrawn by the District. The Fisher Plaintiffs contend this second attempt appears to be headed in the same direction with errors.

Finally, Fisher Plaintiffs are troubled by the Special Master's solution to a flawed process, wherein the SM suggests the District will hire experts to assist the Mr. Lopez (as the currently-selected acting CRPI Director) to assist the African-American students. Fisher Plaintiffs believes this is an outright-admission on behalf of both the District and the SM that Mr. Lopez is not qualified to act in the capacity of the CRPI Director as (1) he is not experienced in the unique experience of the African-American student population and (2) he does not satisfy the minimum requirements of the job description for CRPI Director.

Therefore, the Fisher Plaintiffs respectfully request the SM submit an R&R to the Court *and also* request the Court to (1) set aside the hiring of Mr. Lopez as CRPI Director as null and void and (2) start the hiring process for the CRPI Director anew.

Thank you,
Rubin Salter, Jr.

Rubin Salter, Jr.
Attorney
The Law Office of Rubin Salter, Jr.
177 N. Church Avenue
Suite 903
Tucson, AZ 85701
(520) 623-5706
(520) 623-1716 fax
rsjr3@aol.com

The information contained in this email is intended only for the use of the individual or entity named above and is strictly confidential. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any reproduction, dissemination, distribution, or copying of this email is strictly prohibited. If you have received this email in error, please immediately notify our office by telephone at (520) 623-5706 and delete this message. Your cooperation is appreciated.