

[REDACTED]

From: Epling, S. Fey [Fey.Epling@dbr.com]

Sent: January 26, 2006 2:23 PM

To: [REDACTED]

Subject: [REDACTED]

Dear Mr. [REDACTED]

It was a pleasure speaking with you earlier this week. In connection with your request to re-send the letter from Chris L'Orange, it appears that you haven't misplaced it, but rather that Mr. L'Orange has not sent you a letter. We reviewed our files and I talked with Mr. L'Orange to confirm.

However, what I would very much appreciate, if it is possible, is written confirmation of part of our discussion on Tuesday with respect to the scope of your investigation of [REDACTED] complaint. Ideally, this would be done by means of a signed declaration that we could file by Monday, January 30, and the subject matter would be the following.

As discussed, [REDACTED] has maintained that the Family Policy Compliance Office, U.S. Department of Education, is investigating Greg Thom, General Counsel for Capella University, personally. We understand, under the statute and regulations, and from my conversation with you, that the Office does not investigate individuals, but rather institutions. While the actions of individuals may be reviewed as part of the investigation, the actual subject of the investigation is the institution's compliance with the law, regardless of whether a complainant makes reference to the actions of any particular person.

In addition, from my reading of [REDACTED] July 21, 2005 letter (I've attached a copy), it appears that the only actions [REDACTED] alleged specifically against Mr. Thom were related to the second charge (disclosure to the BBB), in which the Office found the University's actions through Mr. Thom to be in compliance with FERPA.

Would it be at all possible for you or another appropriate person at FERPA to authenticate the letter and to confirm the two paragraphs above? If so, I would be happy to provide a draft declaration for your consideration. The purpose for this would be to confirm for the Court that Mr. Thom was not personally under investigation by FERPA.

Any assistance you could provide would be greatly appreciated.

Thank you very much for your time,
Fey Epling

S. Fey Epling

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