

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO

TOM RETZLAFF
Plaintiff,

v.

LYNDA YVONNE DE LA VINA,
DIANE BAKER WALZ, KYLE
MERLETTE SNYDER, KATHERINE
ANNE POPE,
Defendants.

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NO: 5:08-CV-00170-OLG

AFFIDAVIT OF LYNDA DE LA VINA

COUNTY OF BEXAR

STATE OF TEXAS

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Before me, the undersigned authority, personally appeared LYNDA DE LA VINA, who being known to me as the person whose signature appears below, and being first by me duly sworn, did depose and say:

1. "My name is Lynda de la Viña. I am over 18 years of age and have never been convicted of a felony crime or any misdemeanor crime involving dishonesty. I have personal knowledge of the matters set forth in this affidavit, am competent to make the affidavit, and the facts I state herein are true and correct.
2. I am employed by the University of Texas at San Antonio (UTSA) as dean and professor of economics in the UTSA College of Business. I was made interim dean of the college in 2004 and have held the full appointment since 2005. My professional background includes holding other positions of leadership for UTSA, Johns Hopkins University, and the United States government. I received my master's and doctorate degrees in economics from Rice University.
3. In early-November 2007, I learned that Lan Zhu (known on campus as 'Julie'), a visiting female student from China enrolled in the UTSA College of Business, had just filed a harassment complaint with the UTSA Police Department against Thomas Retzlaff. At that time, Mr. Retzlaff was enrolled in our MBA program. I understood that the content of her complaint against Mr. Retzlaff could amount to criminal conduct and that another administrator on campus, Kyle Snyder, had become involved

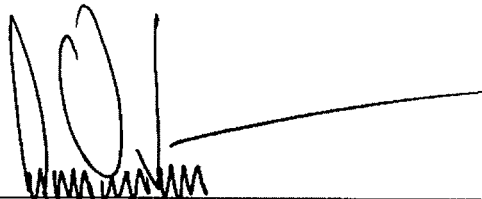
EXHIBIT
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because Julie had requested her help.

4. As a member of campus administration, I feel a responsibility to help ensure the safety of our students and employees while on campus. In accordance with this belief, I and Diane Walz examined Mr. Retzlaff's background on campus, including his application and the conditions of his admission. We also searched the internet and learned through court opinions that Mr. Retzlaff has served prison time in the custody of the Texas Department of Criminal Justice. The facts of Mr. Retzlaff's background, as shown through the public records, were inconsistent with statements he made in his MBA application materials.
5. The criminal complaint made by Julie against Mr. Retzlaff and my discoveries of his misrepresentations caused me and other responsible administrators to refer the matter to the UTSA Office of Judicial Affairs. It handles student code violations.
6. **Attachment 1** is a true and correct copy of an email dated November 20, 2007, which I directed to the UTSA officials listed there. It shares a report that Julie gave to Beth Guajardo, the assistant director of the Liu's Family Foundation U.S.-China Business Initiative, indicating that Mr. Retzlaff carried a gun in his car. It also clarifies that I did not know if this was accurate but stated that 'I thought I should report [it] to you all.' I distributed this email and shared the report only with the UTSA administrators or officials who I believed needed to receive it, in light of Retzlaff's background and the numerous, deadly, firearm attacks that had by that time occurred on university campuses in this country. In particular, I directed my email to just the following people with the following titles:
 - Diane Walz, UTSA Associate Dean for Graduate Studies and Research
 - Todd Wollenzier, Assistant Director, UTSA Student Judicial Affairs
 - Daniel J. Kiley, Captain, UTSA Police Department
 - Dave Hernandez, UTSA Director of Public Safety and Chief of Police
 - Daniel Hollas, Senior Associate Dean UTSA College of Business
 - Katherine Pope, UTSA Director of Graduate Student Services
 - Caron Kiley, Assistant Director, Office of the Dean, UTSA College of Business
 - Kyle Snyder, Director, Liu's Family Foundation — UTSA College of Business
7. The bottom half of **Attachment 1** makes reference to the sort of research I performed in public documents (court opinions) to discover previously-untold facts about Mr. Retzlaff. Again, the findings contradicted Mr. Retzlaff's statements made to the College of Business in his MBA admission application. Under the circumstances and in light of the responsibility I feel and felt to UTSA students and employees, I firmly believed it was necessary to make a few fellow administrators and our campus law

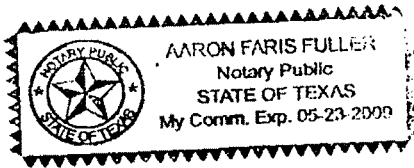
enforcement aware of my findings.”


END OF AFFIDAVIT



Lynda de la Viña

SWORN AND SUBSCRIBED before me on January 29, 2009.





Notary Public In and For the State of Texas

My Commission Expires 5-23-09