

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO

TOM RETZLAFF
Plaintiff,

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v.

NO: 5:08-CV-00170-OLG

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

AFFIDAVIT OF GAGE PAINE

COUNTY OF BEXAR

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STATE OF TEXAS

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

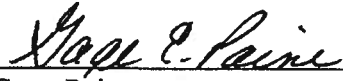
1. "My name is Gage Paine. I am over 18 years of age and have never been convicted of a felony crime or any misdemeanor crime involving dishonesty. I have personal knowledge of the matters set forth in this affidavit, am competent to make the affidavit, and the facts I state herein are true and correct.
2. I am employed by the University of Texas at San Antonio (UTSA) as vice president for student affairs and have held this position since January 2007. Before then, I was vice president for student affairs at Trinity University in San Antonio, associate vice president for student affairs and dean of student life at Southern Methodist University in Dallas (1997-2000), and associate dean of students at the University of Texas at Austin in the areas of judicial affairs and disability services (1986-1997). I hold a jurisdoctorate degree from Texas Tech University and a Ph.D. in educational administration from UT Austin.
3. As an organizational unit of UTSA, Student Affairs encompasses the Office of Student Judicial Affairs, which administers student code violations through a hearing and appeal process that students may elect to engage. Attachment 1 is a true and correct copy of the May 2008 administrative Decision concerning Tom Retzlaff,



which I understand he has challenged in this or other lawsuits pending in courts. The hearing officer who issued the Decision found important violations of the student code and concluded that he should be permanently expelled from UTSA. Under the administrative appeal rules that apply to such disciplinary decisions, Mr. Retzlaff indicated that he wanted to notice an appeal of the Decision.

- 4. Attachment 2 is e-mail communication between me or other officials and Mr. Retzlaff about the Decision and his appeal recourse. It details his deadlines for noticing for providing me his appeal, if he elected to do so. Because Mr. Retzlaff complained that two weeks was insufficient time for him to provide me an appeal notice, I extended his deadline to June 3, 2008, for providing any notice of appeal.
- 5. In spite of the extension, Mr. Retzlaff did not notice his appeal by June 3, 2008. Attachment 3 is a true and correct copy of my e-mail notification to Mr. Retzlaff that denied his request that I reconsider the Decision. I issued this decision because Mr. Retzlaff's Notice of Appeal reached the university only on June 6, 2008.
- 6. Afterwards, by letter dated June 18, 2008, Mr. Retzlaff apparently asked UTSA President Ricardo Romo to reconsider the Decision. I understand that Attachment 4 is a true and correct copy of President Romo's June 2008 letter in response to Mr. Retzlaff's request. The Decision to expel Mr. Retzlaff was final."

END OF AFFIDAVIT



 Gage Paine

SWORN AND SUBSCRIBED before me on January 29, 2009.





 Notary Public In and For the State of Texas

My Commission Expires 5-23-09