

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO

TOM RETZLAFF
Plaintiff,

§
§
§
§
§
§
§
§
§

v.

NO: 5:08-CV-00170-OLG

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

AFFIDAVIT OF DIANE WALZ

COUNTY OF BEXAR

§
§
§

STATE OF TEXAS

Before me, the undersigned authority, personally appeared DIANE B. WALZ, 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 Diane Walz. 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 Associate Dean of Graduate Studies and Research and am a Professor in the UTSA College of Business Department of Information Systems and Technology Management. I have held these positions since 2003 and 2002, respectively. I have a Ph.D. from the University of Texas at Austin and a Master's in Business Administration (MBA) from Washington University in St. Louis.
3. In 2007, my duties included reviewing applications and offering admission for the MBA program at the UTSA School of Business. Thomas Retzlaff was one applicant whose application came to my attention during that year.
4. As part of the application, decision, and admission process, Mr. Retzlaff submitted documents to my office to support his application. I relied on these documents in

EXHIBIT
A

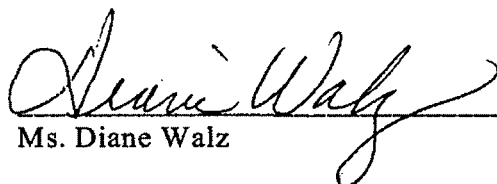
offering him admission. True and correct copies of the documents submitted by or through Mr. Retzlaff are attached to my affidavit and labeled as **Attachments 1 – 3**; UTSA has maintained them as part of our admission files since then in the ordinary course of our operations. In particular, **Attachment 1** is Mr. Retzlaff's application form for admission to the MBA program. **Attachment 2** is his academic transcripts originating from several schools. And **Attachment 3** is his submitted personal statement also offered in support of his application for admission. A College of Business Office of Graduate Studies' admission advisor responded to Mr. Retzlaff's request for guidance after he provided an initial draft version, also found in **Attachment 2**.

5. **Attachment 4** is the March 2007 'MBA Decision Form' combined with documentation of Mr. Retzlaff's performance on the Graduate Management Admission Test (the GMAT). The GMAT is the test that all MBA applicants must take to gain admission. The MBA Decision Form shows that Mr. Retzlaff's overall GMAT score (500) was low, and included a particularly poor quantitative score that ranked him at the 6 percentile of test-takers. But I approved his admission with my initials "dw" on the basis of his "Good statement," also written on the form. This is in reference to Mr. Retzlaff's submitted personal statement, which included his account of military service to the United States during Desert Shield/Desert Storm (1990-1991), a recall from reserve status (after 9/11/2001) to serve in Afghanistan and Iraq, and three combat-related injuries.
6. Later, I learned and verified that Mr. Retzlaff had fabricated all or at least a meaningful part of what he wrote into his personal statement, contained in **Attachment 3** to my affidavit.
7. **Attachment 5** to my affidavit is a true and correct copy of the April 2007 letter I signed and sent to Mr. Retzlaff. It offered him admission to the UTSA College of Business MBA program. In light of Mr. Retzlaff's substandard academic record, including his GMAT performance, UTSA extended him a "conditional" admission under the terms stated in the letter.
8. Finally, **Attachment 6** to my affidavit is a true and correct copy of the November 2007 memorandum I prepared and directed to the assistant director of Student Judicial Affairs. It truthfully describes the admissions process for the Masters in Business Administration program at UTSA. Specifically, the memorandum lists the materials which are required of every applicant. By pointing out that the personal statement is required for all applicants, this illustrates the important weight given to Mr. Retzlaff's personal statement (included here as **Attachment 3**.) This memorandum also explains the fact that there are (and were) limits on the number of conditional

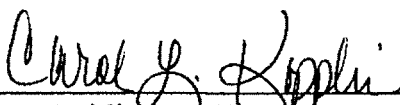
admissions that we can make to the MBA program in any semester. As a student admitted conditionally, Mr. Retzlaff was given one of only a few available spaces in the program. I prepared **Attachment 6** in response to a request that I describe the review and decision process that I and others applied to MBA applications. This request and my response to it occurred after I understand a student filed a complaint of criminal conduct against Mr. Retzlaff with the UTSA Police Department.

9. I did not request or direct the police investigation of Mr. Retzlaff that resulted from a criminal complaint against him on campus. But I later researched and concluded from public records that Mr. Retzlaff lied in the personal statement he submitted to win admission to the MBA program. Also, I understand that Mr. Retzlaff alleges that I defamed him because he says that I distributed **Attachment 7**. It contains a 11/20/07 email to me and a handful of other UTSA officials from the dean of the UTSA College of Business. The email contains dean *De La Vina's* account of a report she received about Mr. Retzlaff, which I did not further distribute. The second email on **Attachment 7** is my earlier distribution of a court opinion concerning Mr. Retzlaff, which I sent to a handful of UTSA officials. As an university administrator responsible in part for the safety of UTSA students and employees, I consider and considered the emails necessary notifications for these officials. I hold this opinion especially in light of the criminal complaint made to UTSA police against Mr. Retzlaff earlier in November 2007 and due to what I have learned in public records about his criminal history."

END OF AFFIDAVIT


Ms. Diane Walz

SWORN AND SUBSCRIBED before me on January 28, 2009.


Notary Public In and For the State of Texas

My Commission Expires _____

