



(916) 364-0292  
FAX (916) 364-7641  
P.O. Box 277517  
Sacramento, CA 95827  
CLN 257024

CONSTRUCTION CO., INC.

November 13, 2009

William H. Cormier, Director  
Administrative Policies & Compliance  
University of California, Los Angeles  
2255 Murphy Hall  
Los Angeles, CA 90095-1405

Re: Alleged Unethical Conduct by UCLA Professors Mary D. Nichols and John R. Froines

Dear Mr. Cormier,

For nine months I have been attempting to inform you of a carefully crafted pattern of unethical behavior by two of your professors. After a formal request (March 11, 2009) to meet (denied) followed by two letters (April 13, 2009 and June 30, 2009) containing general and specific charges, you have claimed non-responsibility of most egregious behavior by John Froines and Mary Nichols. This behavior has gone on for 25 years to date and needs to be stopped!

Your narrow interpretation of the meaning of ethics and professionalism (outlined in your September 28, 2009 response) for UCLA faculty now means to me that you have no intention of holding Professors Mary Nichols and John Froines to a standard of conduct a reasonable person would expect. My position all along has been that when they accepted appointments to serve the State of California they accepted as representatives of UCLA and would carry forth with the integrity of professional and academic conduct and inquiry that is the purported University tradition and mission.

Professor Froines wears the hat of Chair of the Scientific Review Panel due mainly to his position at UCLA. Wearing that hat has placed additional responsibilities on him that he has chosen to ignore. You have provided me with a nice presentation of how "science advances" in your letter, again discounting the power of the "gate-keeper" position that he holds, where he has essentially ignored any science that conflicts with his apparent biases. How can the "community of researchers...challenge such conclusions...to propose more reasonable hypotheses" when these presentations are disregarded and culminate in regulations that are arbitrary and capricious? THIS is his unethical behavior, not his "research" (I have not addressed specific research at this time). You claim that "a researcher has complete freedom in criticizing, reinterpreting, dismissing, or simply ignoring the work of other researchers". As just a "researcher" you are ostensibly correct. As the Chair of the SRP, he has additional obligations and by dismissing studies without comment that do not suit his pleasure, he is absolutely unethical and should be fired not only as a member of the SRP but also as a Professor of UCLA.

As gatekeeper, Professor Froines is intensely involved in the academic inquiry process. Your mistake is that you said that a **researcher** has complete freedom to criticize (fine, if honest), reinterpret (possibly, if done properly), dismiss (again, only if done properly) or ignore (nope) work of other researchers. My, my, Mr. Cormier, how could you so misunderstand the process? Maybe it is because of your law background; that there are always two sides to every argument in law and the truth is never the object of the exercise, but some kind of agreement, resolution or final authority written from previous case-law or regulations.

This statement applies also to Mary Nichols as she was just as involved in this behavior. As the Chairwoman of CARB she was well aware of this behavior and was in a position to stop, not encourage it.

In order to frame it, might I suggest that Albert Einstein, a pretty fair scientist, described the scientific process pretty well—one study that disproves any theory controls. In fact Froines and Nichols know that testability and falsifiability are important to the process, so no, Mr. Cormier, you can't ignore a study—it may be the killer study, and we wouldn't want to be bad scientists, would we?—not good for UCLA. Hard to argue UCLA faculty academic ethics if they cherry-pick data and reject any study that proves or even suggests that they might be wrong.

When John Froines and Mary Nichols sponsored and supported conduct that failed to provide the public with an impartial, objective, responsible scientific and economic inquiry on air pollution issues, they had forsaken their fiduciary duties. When they took on an advocacy role in the circumstance where they were supposed to provide fair and judicious analysis, they violated the norms that govern professional conduct in the public arena. In accepting these roles, they were not charged with (even if they insist otherwise) becoming champions for a position, but apostles for unprejudiced, dispassionate and even-handed review of the evidence and recommendations that properly weighed the evidence and the consequences of policy decisions.

Their duty, authority and accountability as public appointees was the compilation of all research on the health effects of potential toxics. Research is not just the work done to prepare original experiments or write papers, but includes the normal inquiries that are intended to obtain pertinent and relevant evidence so that intelligent and comprehensive analysis can provide for good policy making.

I have put forth evidence that demonstrates Mary Nichols and John Froines ignored or dismissed evidence that refuted their biases or at least created grave areas of dispute that should have inhibited any regulations. Through systematic cherry-picking (by a person with a phony PhD degree assisted by a real PhD who has a specialty in communication habits of ground squirrels) and refusing to competently review and consider the conflicting research on the issues, they failed their fiduciary committal in favor of political agendas that violated their duty to be impartial and a reliable source of scientific and policy advice for the State of California. Such conduct in a position of trust is unethical and unprofessional. Whatever their motives, John Froines and Mary Nichols were not appointed to act like political hacks and just throw out what they didn't want to hear and ignore the scientific evidence that proved their positions to be untenable or so weak which should require policy restraint.

As a businessman who had to learn epidemiology for this matter, my previous letters have provided my best effort to supply you with the evidence of the misconduct of John Froines and Mary Nichols. When I provided that information to you I assumed you and I would agree on the virtues that pertain and the ethical norms that govern the conduct of an academic official of a major university. I do not accept your narrow interpretation of professional conduct, since professionals should live a life of virtue and integrity. Furthermore, when they represent the University and are elevated to positions of importance because of their academic stature, the University's reputation goes with them (and, in this case, will suffer when they are exposed).

When a University Chancellor, Dean or Professor you know to be in a position of trust fails in a fiduciary duty there is a price to pay. John Froines and Mary Nichols were and are professors at UCLA, and their roles for CARB were significant and derivative of their UCLA stature. They had impact and consequence at CARB, and they were obligated to maintain the standards of proper academic inquiry; not descend into base political maneuvering, granting favors or showing partiality to the studies presented. They were obligated to be impartial, thorough and objective, not biased, taking sides, cherry-picking or ignoring evidence they didn't like.

My evidence sent to you showed that John Froines and Mary Nichols did ignore evidence and public comments they didn't like. John Froines did such a thing knowing more about the technical side of science, but Mary Nichols is an attorney well versed in the rules of evidence and proper assessment of opposing points of view. Both of these UCLA professors failed the State of California by ignoring conflicting evidence and pushing an agenda that has severe and damaging economic consequences to the people of California, consequences that prove the Fredric Bastiat warning about unintended or unforeseen consequences. People will suffer at the hands of the aggressive and unnecessary policy-making urged and facilitated by Professors Nichols and Froines, and now apparently abetted by the University of California, Los Angeles.

They committed violations of academic ethics and professionalism while functioning in positions of fiduciary responsibility for the State of California and its citizens. Their acts do and did have meaning and effect. As the representative for the University in these matters, I assumed you would understand the imperatives assumed for academic ethics and the virtues expected; prudence, honesty, fortitude, temperance, and justice come to mind. It certainly appears that you have by your letter of September 28, 2009 attempted to parse these charges into specific studies and/or specific research by Mr. Froines and missed the point by a mile.

You have outlined the University's denial of responsibility for the conduct of John Froines and Mary Nichols, on the narrow theory that your oversight only has to do with his research and not their ethics or behavior as academic professionals appointed to very high positions in the State. Not being privy to his research data (nor am I interested at this time), how could I refute your claim that Froines' "research data" is nothing less than impeccable? I am unaware of any such research by Ms. Nichols, but that issue is moot.

You completely missed (ignored?) my point. Dr. Froines' behavior reflects on the University and violates the University's commitment to integrity in academic inquiry. Specific charges of academic inquiry misconduct can be found on Pages 3 and 4 of my prior letter, ignored by you in your attempt to narrow my claim to his "research data". You and I both know that parsing and

splitting doesn't make the ethical and professional norms and standards disappear. Is it that you really have no answer to my underlying complaint that Mary Nichols and John Froines are unethical in their professional and academic conduct or would your true answer be most embarrassing to the University? Or is it that their "ethical standards" are "adjustable" and can be more "flexible" at UCLA? It would seem so, evidenced by your feeble attempts to avert my accusations.

How could you so misunderstand the process? Or is it that your position was written or demanded by others? Not being accusatory, but my four plus decades as a businessman have experienced a fair share of attorneys. Ethical behavior is seldom the predominant characteristic in the legal field.

The ethical and virtuous academic assesses the evidence. Evidence is not ignored or dismissed until properly evaluated. My evidence to you was that John Froines and Mary Nichols were involved in a systematic violation of academic ethics by not providing the State of California with an impartial, objective, thorough, and insightful process for evaluation of all scientific, political and economic evidence that would guide policy-making of great consequence.

Would you suggest that such an activity does not require the highest forms of academic integrity, ethics and professionalism?

On a separate and equally scandalous matter, both John Froines and Mary Nichols were consciously and intentionally involved in circumventing the rules on appointment for the Review Panel (the subject of my petition to the Sacramento Superior Court, *Brown v Adams*). They are both sophisticated individuals, both well aware of the statutory nature of CARB and the customs and practices for appointment and maintenance of scientific panels. Both Froines and Nichols knew of and sustained the clearly illegal activity of extending terms of panel members beyond the intent of the California legislature. It's as if they were academics in a third world tin pot dictatorship relying on corruption and the sense of entitlement for the sinecure of a panel position. Only fanatics and lackeys would stand for such chicanery, since it now has become an embarrassment to CARB that could have been avoided if Nichols and Froines had followed the letter and spirit of the statute creating CARB. Isn't intentional violation of the law and spirit of law a violation of UCLA faculty ethics? If it's not, what is -- criminal conduct?—My goodness, these are ethics rules for University Professors, not Chicago thugs. What does it take to get a UC faculty member disciplined?

I will not belabor the point any longer. You express a complete inability to accept the University's obligation to follow its own ethics code by attempting to reduce a very specific claim of extensive and proven unethical behavior down to "research data" and ethics of a "researcher". Needless to say, you are (intentionally?) missing the point and further discussion will probably not change your mind. But maybe you would reconsider if I propose that just possibly now you have put the University on the track in a way that may result in financial recovery for the many taxpayers and business entities that will suffer from the conduct of Mary Nichols and John Froines. You now are informed of their conduct and you refuse to act to temper their comportment.

William H. Cormier

November 13, 2009

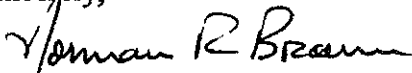
Your extended time taken to respond speaks volumes itself. It took quite a while (almost three months) to conjure up a most effete defense for this despicable behavior by your faculty members who hold prominent public positions. These professors have taken on important positions for the State of California and the resultant scientific and policy misconduct undertaken will cause inestimable damage to taxpayers, the economy, State and Local Governments, along with your University.

Your University President has made a plea for additional Federal Funding (UC Seeks Uncle Sam's Help, front page, Sacramento Bee, October 6, 2009). Although UC has received \$700 million from the federal government, it seems that you need more. California has cut funding to UC by 20% over the last year and one-half, according to this article, and the University is cutting classes, raising fees and furloughing professors. When businesses close doors, unemployment happens and tax payers become tax takers. UCLA will have a part in the continuing economic debacle as saved capital is destroyed via edict without competent scientific proof of health risks, with much of the blame put squarely on unethical behavior by Mary Nichols, Chairwoman of CARB and John Froines, Chairman of the Scientific Review Panel, both UCLA Professors. Maybe the bad actors will have to answer in court for their misconduct and unethical behavior in positions of public trust. Unfortunately, for all industries affected by these drastic regulations in California, including the financing of governments from the taxes extracted from these industries, the damage will have already been done.

And the University of California of Los Angeles will have had a part in this.

I have begun my search for someone within the UC system who recognizes the seriousness of my allegations. After reading your two responses (letters of May 27, 2009 and September 28, 2009 denying the specific and credible charges made) a number of times, I have concluded that future correspondence with your offices will be futile and I intend this to be my last letter to you. Originally, I was not going to respond further, being quite upset over UCLA's continued attempts to posture "non-responsibility" in ethical matters involving their own Professors. After one month to "cool down", I decided that you should be apprised of this one citizen's view of the University's very serious failings in this matter.

Sincerely,



Norman R. Brown, President

cc: Dean Linda Rosenstock  
School of Public Health  
University of California, Los Angeles  
650 Charles E. Young Drive South, Room 16-035 CHS  
Los Angeles, CA 90095-1772

Chancellor Gene Block  
University of California, Los Angeles  
2147 Murphy Hall  
Los Angeles, CA 90095-1405