

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 08-cv-02517-RPM

MURRY L. SALBY,

Plaintiff,

v.

PROVOST PHILIP DISTEFANO,

Defendants.

AFFIDAVIT OF RUSSELL MOORE

Affiant, **RUSSELL MOORE**, after being duly sworn, states as follows:

1. I am the Associate Vice Chancellor for Research for the University of Colorado at Boulder.
2. I have personal knowledge of the matters set forth in this Affidavit.
3. Effective March 20, 2007, the University implemented a new Conflict of Interest and Conflict of Commitment policy. In essence, the policy requires all faculty members, and other research employees, to make annual disclosure of financial interests and external professional activities that could compromise University decision making or duties. This disclosure is accomplished by a Disclosure of External Professional Activity ("DEPA") form. The DEPA is a web-based form that must be revised whenever there is there is any significant change in outside interests or activities. I hereby certify that attached to this Affidavit is a true and correct copy of the Disclosure of External Professional Activity form. [See, Ex. B-2.]

4. Professor Murry Salby of the Department of Atmospheric and Oceanic Science (“ATOC”) was required to complete the DEPA form in 2007. Despite multiple requests and advisements of this requirement, Professor Salby did not submit the DEPA. Those requests and advisements are summarized as follows:

- a. One email and one returned certified letter in May 2007, requesting compliance;
- b. Two emails and one returned certified letter in June 2007, requesting compliance and advising Professor Salby of the DEPA procedure and of how to access the DEPA form online.

5. Although Professor Salby was on sabbatical leave during the spring term of 2007, he was still obligated to comply with his disclosure duties as a University professor, including completion of the DEPA.

6. Professor Salby’s failure to complete the required DEPA form was considered a violation of the policy.

7. Initially, allegations of violations of the policy are sought to be resolved at the unit level. In the case of Professor Salby, efforts were undertaken to resolve the matter within the ATOC Department. Those efforts included sending email correspondence and certified letters requesting compliance and seeking additional information from Professor Salby, who failed to respond to any of the communications. For over two months, attempts to contact and to elicit information from Professor Salby failed. Even prior to the implementation of the DEPA form, Professor Salby had consistently and deliberately violated the spirit of the University’s conflict of interest policy by refusing to disclose information and insisting no conflicts existed. Subsequent to the Committee’s recommendations, the Department still attempted to resolve the

issues with Professor Salby for two additional months (December through January); however, Professor Salby remained unresponsive.

8. Under the policy, if an allegation is not resolved at the unit level, it is referred to the Conflict of Interest Committee (“Committee”). The Committee consists of at least eight faculty members, who are recommended by the Vice Chancellor for Research, the Deans of various colleges of the University, and one member from outside the University. When an alleged violation is referred to the Committee, the Committee is to review the matter and then make a report of findings and any recommendations for corrective or disciplinary action.

9. Among the sanctions and discipline that the Committee may recommend for a violation are the following:

- a. Disciplinary actions (including but not restricted to):
 - i. emphasizing, orally or in writing, to the faculty member his or her professional responsibilities;
 - ii. oral or written admonition of the faculty member;
 - iii. reassignment, temporarily or permanently, of the faculty member’s office or other working space (with appropriate consent of any academic unit affected);
 - iv. temporary or continuing reduction in salary or privileges of the employee;
- b. Freezing of research funds, other research restrictions, etc.

10. In the case of Professor Salby, the Committee met August 17, 2007, and reviewed the allegations of violations for failure to file the required DEPA form. On August 20, 2007, the Committee forwarded its report finding that Professor Salby’s inaction constituted a significant

violation of the Conflict of Interest policy. The Committee further recommended the following corrective or disciplinary actions: (1) that the University should not sign or submit any requests for funding (grant, contracts, etc.) on Professor Salby's behalf; (2) that any current grants that Professor Salby has should be frozen; and (3) that Professor Salby should be denied access to his laboratory space at ATOC. I hereby certify that attached to this Affidavit is a true and correct copy of the August 20, 2007 letter from Rodger Kram, Ph.D. [*See, Ex. B-3.*]

11. On August 28, 2007, I forwarded the committee's findings and recommendations to Vice Chancellor of Research Stein Sture with the request that he forward the committee's report to Provost Philip DiStefano. I hereby certify that attached to this Affidavit is a true and correct copy of my letter. [*See, Ex. B-4.*]


12. On August 31, 2007, Vice Chancellor Sture forwarded the Committee's report to Provost DiStefano stating his concurrence with the Committee's recommendations. I hereby certify that attached to this Affidavit is a true and correct copy of Vice Chancellor Sture's memorandum. [*See, Ex. B-5.*] The report was ultimately forwarded to Provost DiStefano as the appointing authority with authority to enact corrective or disciplinary action against a tenured faculty member.

13. On September 19, 2007, Provost DiStefano forwarded correspondence to Professor Salby advising of his acceptance of the Committee's recommendations for corrective and disciplinary actions. The Provost further advised that the recommendations would go into effect immediately and directed Professor Salby to provide the conflict of interest information by October 1, 2007, in the absence of which the University would initiate further disciplinary

action. I hereby certify that attached to this Affidavit is a true and correct copy of Provost DiStefano's letter. [See, Ex. B-6.]


14. Thereafter, my office, in conjunction with the administration of ATOC, took steps to implement the measures recommended by the Committee and accepted by Provost DiStefano.

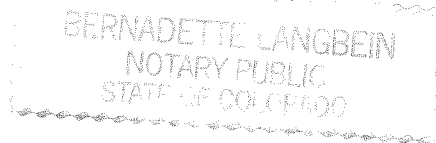
FURTHER AFFIANT SAYETH NAUGHT.


Russell Moore

STATE OF COLORADO)
)ss.
COUNTY OF Boulder)

SUBSCRIBED AND SWORN to me before this 11th day of February, 2009, by Russell Moore.

By: 
Notary Public
My Commission Expires: 7/19/2011



University of Colorado-Boulder
Disclosure of External Professional Activity (DEPA)

1. Do you or any member of your family have, or expect to acquire during this report year, any of the following regarding a business entity that either (1) funds your university research and/or scholarly or creative activity; or (2) engages in commercial or research activities that directly relate to your university activities?

- income of \$10,000 or more from the business entity (includes but is not limited to royalties, consulting fees, salary, dividends, etc.)?
- an equity interest in the business entity valued at \$10,000 or representing 5% ownership (regardless of worth)?
- a seat on the board of directors or advisory board?
- an executive position in the business?

YES _____ NO _____

IF YES, please provide the following information for each business entity:

Business name

Amount/value of income (per year)/equity (with option to decline to respond)

You and/or your family's relationship with this business

Describe the relationship of the business to your university activities

Are students, postdocs, or trainees involved in any of your university activities that are related to this business?

Do any of your university activities that are related to this business involve research with human subjects?

- If YES, do you have HRC (IRB) approval for this research?

1a. If you answer YES to Question 1, are you an investigator on any research project and/or scholarly or creative activity funded by external sources (federal/state/local government, industry, foundation, etc.) or Technology Transfer Office (TTO)?

YES _____ NO _____

IF YES please provide the following information for each project:

Project name

Funding source

Your role on project/activity

Is this project an SBIR/STTR (Small Business Innovation Research/Small Business Technology Transfer Program) Phase I project?

2. Do you assign, or expect to assign during this report year, books or materials for any classes that you teach that bring you royalties or income?

YES _____ NO _____

IF YES please provide the following information for each course:

- Course
- Number of students
- Materials description:

3. Regardless of compensation, do you provide, or expect to provide during this report year, professional services that are related to your University activities to any outside organization(s)? *Note that remunerated scholarship that is an expected activity in your discipline (such as for professional presentations, work on review panels, or membership in advisory committees) does not count as professional services in this question. For more information on the meaning of remunerated scholarship and conflict of commitment, see <http://www.colorado.edu/facultyaffairs/atoz/one-sixth-rule.pdf>. University policy limits outside professional activities to 19.5 days per semester.*

YES _____ NO _____

IF YES please provide the following information for each organization to which you provide services:

- Organization Name
- Organization Type
- Description of professional services
- How many days per month do you spend on this activity ON CAMPUS? Answer to the nearest quarter day, e.g., 6.25
- How many days per month do you spend on this activity OFF CAMPUS? Answer to the nearest quarter day, e.g., 6.25

Name (please print)

Department

Signature

Date

August 20, 2007

Provost Philip DiStefano
University of Colorado at Boulder
40 UCB

RE: Professor Murry Salby's potential conflict of interest

Dear Provost DiStefano:

As you may remember, the University of Colorado was contacted by the National Science Foundation in February, 2005 about a possible conflict of interest concerning Professor Murry Salby, Department of Atmospheric and Oceanic Sciences. NSF asked for details about Professor Salby's disclosures regarding possible conflicts of interest, as well as about the University's conflict of interest policies and procedures.

CU-Boulder responded to NSF, and then formed a working group to investigate the circumstances. A copy of a summary of the information they found has been appended for your information. The end result of the investigation was a request by the CU-Boulder Conflict of Interest Committee to Professor Salby for more information. To date, Professor Salby has not responded to numerous emails sent to both his CU-Boulder office and to his private company, nor to the two certified letters sent to his home.

The Conflict of Interest Committee met on Friday, August 17, 2007 and considered all of the information to date. It is the determination of the Committee that Dr. Salby's continued inadequate responses to requests for information, especially in light of NSF's requests to the University for action, is a significant violation of the CU-Boulder Conflict of Interest policy.

The Boulder Conflict of Interest policy states that, if allegations of violations of the policy cannot be resolved at the unit level, "... the Conflict of Interest Committee will be ultimately responsible for providing the AVCR, the Compliance Director, and the appropriate appointing authorities with a written report of the committee's findings, and any recommendations for corrective or disciplinary action." This letter and the attached report constitute the written report of our findings. Our recommendations to you for "corrective or disciplinary action" are as follows.

Until such time as Dr. Salby provides the Conflict of Interest Committee with sufficient information to make a determination of whether or not he has a conflict of interest and how to manage such a conflict, if it exists, the Committee recommends that:

1. The University should not sign or submit any requests for funding (grant, contracts, etc.) on Dr. Salby's behalf;

2. Any current grants that Dr. Salby has should be frozen; and
3. Dr. Salby should be denied access to his laboratory space in the Department of Atmospheric and Oceanic Sciences.

When Dr. Salby has completed a current Disclosure of External Professional Activities (DEPA), it will be reviewed by the Compliance Director and the Committee. At that time, a determination will be made about the existence of a conflict of interest. If a conflict is found to exist, a management plan will be developed with Dr. Salby and the chair of his department.

Please feel free to contact me or the Compliance Director, Jean Wylie, if you have any questions or we can assist you in any way.

Respectfully yours,

Rodger Kram, Ph.D.
Chair, Conflict of Interest Committee

June 8, 2007

CONFLICT OF INTEREST SUMMARY REGARDING
PROFESSOR MURRY SALBY

Factual Information and Background:

NSF inquiry

1. NSF contacted CU University Counsel in February, 2005 about a possible conflict of interest regarding Murry Salby. The contact arose from an internal NSF inquiry into an allegation of duplicate proposal submissions by Salby from CU and Atmospheric Systems and Analysis (ASA), Salby's company.
2. NSF asked for details about the employment status of Salby and his research associates Patrick Callaghan and Jaquelyn Gratrix from 1994 - 2005. NSF also asked for copies of all conflict of interest forms submitted by the three individuals for proposals submitted to NSF.
3. NSF also asked for clarification of the University's conflict of interest policies and the 1/6th rule, specifically, as applied to faculty and to staff.

CU response to NSF

1. The initial responses to NSF were provided by L. Louise Romero, Managing Senior Associate University Counsel. After her death, Kristin Diamond, Assistant General Counsel took on the investigation and response. Ms. Diamond formed a working group of Fred Pampel, newly appointed Associate Vice Chancellor for Research, Randy Draper, Director of OCG, and Tom Trager, CU-Boulder University Counsel. The working group investigated and provided information to NSF (see following). After a site visit by NSF on February 14, 2006, the working group met with the three individuals that were the subject of the NSF inquiry and the department chair.
2. CU provided information about Salby that showed that he had been on the CU payroll since 1984. Information was provided about sabbaticals, etc.
3. CU also provided copies of the "Application for Approval of Additional Remuneration" (the "1/6th rule" forms) that Salby had filed from 1995 to 2004.
From 1995 to 2001, he states that the work is "consultation" (as opposed to sponsored research or business) and lists the employer or sponsor of research as NASA, and he describes the activity as "synaptic mapping of satellite observations". He states he will spend 4.3 days/month or 19.5 days/semester on the activity. He either does not check the line that asks if the application is related to sponsored research at the University or states that "funding is not from CU sources". He also states that no other staff members will be involved, although two of the other employees of ASA, Jaquelyn Gratrix and Patrick Callaghan, also work at CU. The forms are signed by the Chair and, sometimes, the Dean.

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From 2002 -2005, he lists the employer or sponsor of research as "NASA, NSF". He describes the activity as "synaptic mapping of satellite observations" and "statistical analysis of solar variations". He no longer lists any time to be spent on the activity, saying that it will all be done on semester break, for 11 days. These forms also state that no staff members will be involved. These forms are not dated nor are they signed by the Chair or Dean.

4. CU provided NSF with copies of the OCG Proposal Application and Routing Forms for Salby from 1992 - 2002. Since 1996, the form has asked that PIs check a box if the following applies "There are significant financial interests involved that may be an actual or potential conflict of interest." Furthermore, the investigator has to initial one of the choices in the following statement: "There are ___ are not ___ significant financial interests (item 15 above.)" prior to signing the form. Professor Salby initialed the box indicating that there were no significant financial interests involved for all of the research proposals submitted during this time period.

Other information gathered by the working group

1. Salby's vitas during this time do not list any affiliation with ASA, other than "F. Sassi, Atmospheric Systems and Analysis" under Recent Collaborators. Patrick Callaghan's vitas list his current positions as "Research Associate at CU, 1998-2001 and Scientist, at ASA, 1987-present." He is president of the company. His email is listed as paddy@asac.org.

2. An NSF "Current and Pending Support" form for Salby for a proposal submitted to NSF in 2001 lists him as PI on an existing grant from NSF to ASA, as well as one that is pending. Patrick Callaghan's form lists him as an investigator on both projects as well.

Information elicited from Salby by General Counsel during 2006

1. In February, 2006, Salby completed a University of Colorado Conflict of Interest Disclosure Form. The form asks that he "disclose any and all outside activities that may present actual or potential conflicts". He provided a very long list of such activities. (See attached.)

He stated that he did not have any equity or ownership interest related to the outside activities. He did indicate that he did/expected to "receive a salary, royalties, consulting fees, honoraria, gifts of more than nominal value or other payments related to the outside activity." He further answered yes to the question of whether he had or expected to "have a fiduciary or management role (such as service as a president, chief financial officer, director or trustee), or other legal obligation to any organization other than the University of Colorado" for which he did or did not receive compensation in any form.

He has consulted for many companies; the form does not specifically ask for those companies for which his consultation exceeded the \$10,000 threshold. He does list two of

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interest: AMSP is his "personal corporation representing my interests in financial investments that are unrelated to scientific work" and ASA.

Atmospheric Systems and Analysis (ASA) was formed in July, 1994 as a non-profit 501(c)3 corporation in Colorado, although Salby was submitting proposals to NSF through the company in late 1993. Jaquelyn Gratrix was the incorporator, and there were three Board members: Salby, Callaghan and Rolando Garcia, who apparently had no relationship to CU. Until 1996, the address of the company was Gratrix's home address. In 1996, the company moved to its present location in Broomfield, CO. Salby's 2006 conflict of interest form lists him as a member of the Board of Directors.

For several of the companies/organizations (including ASA) he provides the following footnotes:

1. "This Applied Research (sic) is distinct and independent of the Pure Research (sic) conducted at CU. It is performed on time and facilities outside of CU. While supporting WCRP (World Climate Research Program) and the national effort on Global Change, this Applied Work (sic) has not and would not be performed at the university."
2. "Developed operational algorithm for mapping asynoptic satellite data, producing satellite products for NASA. Also developed statistical-variational algorithm for identifying solar variations and computer model for interpreting behavior in the ionized upper atmosphere, which is removed from and governed by different physics than the neutral atmosphere upon which CU research focuses. The latter applications, which are likewise independent of the Pure Research (sic) conducted at CU, are pursued outside of the academic year."

In his cover letter for the form (to AVCR Pampel) he quoted the standards provided in the Chancellor's memo regarding conflict of interest distributed September 20, 1995:

"A significant financial interest...is

- (1) one that would reasonably appear to be directly and significantly affected by the research, educational, or service activities funded, or proposed for funding, by an external sponsor; or
- (2) one that involves entities whose financial interests would reasonably appear to be directly and significantly affected by such activities."

Salby concludes that his outside activities do not constitute a conflict of interest "because the outside remunerated activities in which I engage are Distinct (sic) and Independent (sic) of activities within the University."

2. On July 26, 2006 in a letter to Kristin Diamond, University Counsel, he provides information about the income he derived from various sources since 2001. He lists some lectures for which he received honoraria (although he states the amount as "unknown") and royalties from his textbook. He lists the following amounts from ASA:

2001	\$5,876
2002	\$4,157

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2003 \$35,054 (when he was on teaching leave)
 2004 \$11,691
 2005 \$4,715.

Further investigation demonstrated that the information he provided was inaccurate, and perhaps misleading. Ms. Diamond was able to get copies of the invoices submitted by AMSP (his "personal corporation representing my interests in financial investments that are unrelated to scientific work") to ASA for his work for ASA. See attached table for the hours billed and amounts received. They are considerably greater than what he reported in his letter.

2006-2007 activity

1. A new system Conflict of Interest and Commitment policy was instituted in September, 2006. CU changed its conflict of interest disclosure forms in October, 2006 to require all faculty to submit a form annually. Roughly 50% of all tenure-track faculty have done so. (A reminder was sent in April, 2007.) Professor Salby has not done so.
2. In the fall of 2006, Professor Salby submitted a grant application to NSF through CU. Given the unresolved issues with NSF, his chair (Brian Toon) refused to sign off on the submission. In March, 2007, Dr. Salby attempted to submit the application through ASA; Patrick Callaghan, as president of ASA, refused to do so. Dr. Salby's response to Dr. Callaghan included the following statement: "How I apply my talents when not employed by the university is not the university's affair. Nor does the university have the authority to obstruct scientific progress and communication of research in which the federal government has invested. The decision to protect that investment should rest with NSF..."
3. An email was sent to Salby on May 16, 2007 asking him to submit a DEPA. When he had not done so by May 29, a registered letter was sent to him asking him to submit the form. The letter was not delivered; a notice of it was left at his house on May 30, 2007. As of 6/7/07 the letter has not been claimed.

Summary and conclusions

1. Dr. Salby did not disclose his relationship with ASA at any of the many opportunities to do so during the period 1996-2006. He did not do so until asked specifically about it. He contends that the relationship does not constitute a conflict of interest. He asserts that the kind of research he does at ASA is fundamentally different from the kind of research he does at the University of Colorado, and as such does not constitute a conflict. Also, he maintains that his relationship with ASA does not meet the definition of a "significant financial interest" as defined by the CU policy written in 1995.

Conclusion: It is conceivable that someone could interpret the CU policy and forms to believe that Dr. Salby's relationship with ASA is not a significant financial interest, and does not constitute

June 8, 2007

a conflict of interest. It is, however, beyond disingenuous for Professor Salby himself to claim that the "outside remunerated activities I engage in are Distinct and Independent of activities within the university" when he cites the same publications in applications from both sources, and references the same resulting publications, invited lectures, and presentations in the grant applications and reports from both. They cannot be independent of each other if the scientific basis and outcomes of each is related to the other.

Furthermore, Salby's statement that the work "... would not be performed at the university" indicates an understanding of the 2006 APS conflict of interest statement's prohibition on "conduct of research (that could and ordinarily would be carried on within the University) elsewhere to the disadvantage of the University and its legitimate interests." There is no evidence that Professor Salby consulted with anyone in administration about whether or not the research conducted at ASA could have been conducted at CU.

2. Professor Salby has provided misleading or inaccurate information on various forms requesting information about his non-CU professional activities throughout the period 1996-2006.

Conclusion: Professor Salby appears to have consistently violated the 1/6th rule for at least the past four years. He has billed ASA for at least 80-250 12 hour days each year. For the fall of 2005, he billed the company for 55 12 hour days, far in excess of the 19.5/semester or 39/academic year allowed under the 1/6th rule.

It is difficult to understand how Professor Salby could legitimately have provided the information he has given in response to the requests of him. It appears, from his words and actions, that Professor Salby does not think that CU has any authority to request compliance from him, and he is unwilling to do so adequately even when compelled.

Request to the Conflict of Interest Committee

Professor Salby has consistently and deliberately violated the spirit, if not the absolute letter, of the University of Colorado's conflict of interest policy since 1996.

As per the 2007 CU-Boulder Conflict of Interest and Commitment policy, the matter has been referred to the Unit Head and the Compliance Director. The Compliance Director has made the initial determination that there is indeed a violation of the conflict of interest policies (1995 and 2006). Salby has been repeatedly contacted in an attempt to resolve the conflict; however, he insists that there is no conflict and thus nothing to resolve. He has not responded to the latest requests for information. Since the matter has not been resolvable at the unit level, I, as Compliance Director, am referring the matter to the Conflict of Interest Committee for action. The Committee is responsible "for providing the AVCR, the Compliance Director, and the appropriate appointing authorities with a written report of the committee's findings, and any recommendations for corrective or disciplinary action."

University of Colorado at Boulder

Associate Vice Chancellor for Research
Office of the Vice Chancellor for Research
026 UCB – Graduate School

August 28, 2007

Stein Sture, Vice Chancellor for Research
Office of the Vice Chancellor for Research
026 UCB – Graduate School

Dear Vice Chancellor Sture,

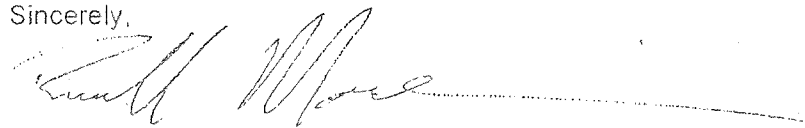
I am writing to inform you of the findings of the CU Boulder Conflict of Interest Committee (henceforth referred to as 'the Committee') in the matter involving Professor Murry Salby. After considerable deliberation, the Committee acted in accordance with the CU Boulder Conflict of Interest policy and is "... providing the AVCR, the Compliance Director, and the appropriate appointing authorities with recommendations for corrective or disciplinary action." The Committee has made three key recommendations to Provost Distefano since he is the highest appointing authority who has not been directly involved in attempts to identify and manage Professor Salby's apparent conflicts of interests. A letter with the Committee's recommendations, and support materials, accompany this cover letter.

Briefly, the Committee has recommended to the Provost that

1. the University not submit any requests for funding on Professor Salby's behalf;
2. funds in any of Professor Salby's currently active grants be frozen;
3. Dr. Salby should be denied access to his research laboratory space in the Department of Atmospheric and Oceanic Sciences.

Since the Committee operates under the auspices of this office, I am reporting their findings to you. Furthermore, on behalf of the Committee, I am asking that you forward their recommendations to Provost Distefano for his consideration.

Sincerely,



Russell Moore, Ph.D.
Associate Vice Chancellor for Research

Cc Jean Wylie, Director of Compliance, Conflict of Interest and Commitment
Rodger Kram, Chair, Conflict of Interest Committee

308 Regent Administrative Center

026 UCB

Boulder, CO 80309-0026

(303) 492-2889



University of Colorado at Boulder
Office of the Vice Chancellor for Research
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26 UCB
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(303)

www.colorado.edu/GraduateSchool

Stein Sture, Ph.D.
Vice Chancellor for Research
Dean of the Graduate School

stein.sture@colorado.edu

MEMORANDUM

To: Provost Philip DiStefano

From: Stein Sture, Vice Chancellor for Research and
Dean of the Graduate School

Subject: Findings of the CU Boulder Conflict of Interest Committee:
The case of Professor Murry Salby

Date: August 31, 2007

I have reviewed the findings of the CU Boulder Conflict of Interest Committee related to the apparent conflict-of-interest case of Professor Murry Salby, Department of Atmospheric and Oceanic Sciences. I concur with the Conflict of Interest Committee's recommendations that:

1. the University not submit any requests for funding of research proposals on Professor Murry Salby's behalf,
2. funds in any of Professor Murry Salby's current and active research grants be frozen, and
3. Dr. Murry Salby should be denied access to his research laboratory space in the Department of Atmospheric and Oceanic Sciences.

Attached you will find the findings and related documentation related to Professor Murry Salby's conflict-of-interest case.

Cc: AVCR Russell Moore



University of Colorado at Boulder

Office of the Provost and Executive Vice Chancellor for Academic Affairs

301 Regent Administrative Center
40 UCB
Boulder, CO 80309-0040
303-492-5537; 303-492-8861(Fax)

September 19, 2007

Murry L. Salby, PhD
10698 Hobbit Lane
Westminster, CO 80030

Dear Professor Salby:

I have received the written report from the Conflict of Interest Committee concerning your continued refusal to provide adequate responses to requests for information about a possible conflict of interest that was initiated by the National Science Foundation. The Conflict of Interest Committee has made the following recommendations to me, which I have accepted.

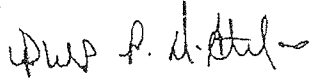
“Until such time as Dr. Salby provides the Conflict of Interest Committee with sufficient information to make a determination of whether or not he has a conflict of interest and how to manage such a conflict, if it exists, the Committee recommends that:

1. the University should not sign or submit any requests for funding (grant, contracts, etc.) on Dr. Murry Salby’s behalf;
2. funds in any of Dr. Murry Salby’s current and active research grants be frozen, and
3. Dr. Murry Salby should be denied access to his research laboratory space in the Department of Atmospheric and Oceanic Sciences.”

These recommendations will go into effect immediately. Furthermore, your failure to cooperate in this investigation of conflict of interest initiated by NSF puts the University and other faculty at risk of losing millions of dollars in grant funding. Therefore, please be advised that, if you do not provide the Conflict of Interest Committee with the information that the Committee has been seeking by October 1, 2007, the University will have no choice but to

initiate disciplinary proceedings against you, which proceedings may result in sanctions which could include dismissal for cause.

Sincerely,



Philip P. DiStefano
Provost & Executive Vice Chancellor

Cc: Chancellor G.P. "Bud" Peterson
Vice Chancellor Stein Sture
Dean Todd Gleeson
Chair Brian Toon ✓
Associate Vice Chancellor Russ Moore