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Nunn probe at WKU focusing on three areas

By CYNTHIA CROSSLEY
Staff Writer

BOVING GREEN, Ky. — His hiring has been challenged in court and questioned by the state attorney general’s office, but former Gov. Louie B. Nunn has plunged into his role as a special financial investigator for Western Kentucky University’s board of regents.

For the past two weeks he has been working out of an office next door to university attorney Franklin Berry. Berry’s secretary answers the phone, “Gov. Nunn’s office” when Nunn isn’t there answering it himself.

And while groups differ over his hiring, Nunn says he has gotten enough done to urge the regents to proceed with their plans to audit some of Western’s books.

“I’m not doing anything I’ve been restrained from doing, (because) I’m not a party to the lawsuit,” Nunn said yesterday. “What I’m doing is in keeping with what the board employed me to do as a member of staff: to gather information.”

Thus he has a briefcase full of documents regarding some of Western’s spending accounts and says he has found at least three areas of special concern: Western’s physical plant, food services and health services. All are areas the regents previously identified as losing too much money.

Taken together, they represent a loss of nearly $3 million in recent years, Nunn said. In mentioning those areas, Nunn also suggested the possibility that athletic expenses were mixed with some of Western’s budgets.

“Beyond that they will offer nothing. That’s what I’ve been told, and that’s what I’ve run into in some instances.”

Nunn listed those problems on the same day that attorneys were in court arguing over whether his hiring was proper; whether the regents had violated a judge’s temporary restraining order; or taken actions that made the issue moot; and whether the matter should be brought for trial or dropped.

Warren Circuit Judge Thomas Lewis said he might issue a decision next week.

While the matter is pending, the regents have declined to take up routine university matters — including approving sabbaticals and new academic programs — on the grounds that the lawsuit and restraining order have cut them off from legal counsel.

Berry, the university attorney, announced in January that he could not advise the board in this matter because of the conflict between board members. He recommended the board hire special counsel to handle the audit.

And so it hired Nunn.

“I have not looked into any of the president’s accounts because of what appears to me to be a false and erroneous rumor that somebody’s out just to do something to the president,” said Nunn, referring to Western President Thomas C. Meredith. “I’m not here to play hatchet man. That’s not my role, and I’ve never been instructed by the board to take that role.”

In December, regent Stephen Catron of Bowling Green — who, with regent Bobby Bartley of Glasgow, is challenging Nunn’s hiring — denounced some of his fellow regents for conducting a “witch hunt” when a special board committee proposed 11 areas for a special audit — most of them accounts controlled by Meredith.

Nunn said he has talked with Meredith and Paul Cook, executive vice president for administrative affairs, as well as other Western employees. However, Nunn said that most of his papers have come to him by way of the regents, who received them from “sources unknown to me.”

“I understand the word has gone out; I know not by whom, that they (university employees) will cooperate to answer any questions yes or no, and furnish any specific information I might ask for,” Nunn said.

“Beyond that they will offer nothing. That’s what I’ve been told, and that’s what I’ve run into in some instances.”

Meredith, while acknowledging that he had talked with Nunn, said, “I don’t have any idea what he’s working on.”

Along with his recommendation that the board audit areas plagued by losses, Nunn said he believes the board should seek an outside auditing firm as well.

“People who haven’t been involved should do it,” he said, and not Baird, Kurtz & Dobson of Bowling Green, which does an annual audit for the university. “Using the same auditor, that’s like the lawyer filing his lawsuit then moving around onto the bench to judge it.”
WKU regents call special session on audit details

By DAVID C.L. BAUER
The Daily News

Western Kentucky University’s Board of Regents was scheduled to meet in special session today to discuss details, including cost, of a possible audit of some university accounts — including most of those that President Thomas Meredith has overseen in his three years at Western.

The audit was proposed in December by Board Vice Chairwoman Patsy Judd on the heels of an internal audit of some university accounts, including payments made to Meredith’s wife, Susan, for entertainment expenses. The audit also covers other Meredith accounts and the university’s food service and physical plant.

A group of business and community leaders asked for the resignations of Ms. Judd and Board Chairman Joe Iracane shortly after the call for a second audit. The group said the audit was a witch hunt against Meredith.

Mrs. Judd and Iracane have said they will not step down. Both have denied there are any problems between the president and the board.

The audit is to examine university employees hired since Aug. 30, 1988, when Meredith took office; where interest earned on the university’s General Fund goes and how it is used; honorariums and other fees authorized by Meredith since August 1988; travel expenses for Meredith and his family since he took office; and entertainment expenses incurred by the president.

Regent Steve Catron said he expected today’s meeting to center on authorizing the money for the independent audit, which would be conducted by Baird, Kurtz and Dobson of Bowling Green.

He also expected much discussion about the project’s cost. Although no price tag has been given for the audit work, Catron said he has heard it could cost $50,000 or more.

The amount, he said, seems high in light of budget woes facing Kentucky universities and when Western has an auditor that could perform the work.

“Actually, it raises some serious questions about the board setting its priorities,” Catron said. “In effect (that money) will have to come out of someone’s budget.”
WKU regents hire Nunn as audit adviser

By Chris Poore
Herald-Leader contributing writer

BOWLING GREEN — Western Kentucky University’s Board of Regents hired former Gov. Louie B. Nunn yesterday to serve as special counsel to the board as it audits the president’s expenses.

Nunn, chairman of the board of regents at Kentucky State University, will receive $150 an hour for an indefinite period while Western’s board investigates allegations against President Thomas C. Meredith.

Board Chairman Joe Iracane said Nunn was not hired because of his experience at KSU, where Nunn feudcd with then-president John Wolfe Jr. over Wolfe’s expenses and other issues. Wolfe resigned after Nunn and the rest of the board dropped nine charges against him.

Western’s board, which has been divided over whether to pursue the audit of Meredith, voted 6-2 to hire Nunn. Steve Catron, a Bowling Green attorney, and Bobby Bartley, a lumber company owner from Glasgow, voted against hiring Nunn. Monnie Hankins of Louisville did not vote.

The board hired Nunn after going into a closed session opposed by four members.

The allegations against Meredith arose from a report prepared by internal auditor Warren Irons. The report showed that $41,000 was spent to repair and improve Meredith’s home without board approval. It also said
Western’s regents, led by Chairman Joe Ira cane, right, hired former Gov. Louie B. Nunn yesterday.

WKU: Regents hire Nunn as audit adviser

From Page One

Meredith’s wife, Susan, received $2,000 monthly for entertainment at the president’s home.

At KSU, the charges against Wolfe had included allegations that he gave himself pay raises and spent $100,000 improving his university home.

Meredith has said he welcomes an audit by an outside firm.

“If there are some accounting changes that need to be made, we’ll make them,” Meredith told the College Heights Herald, Western’s student newspaper.

Meredith stopped the payment to his wife soon after the internal audit was released.

Baird, Kurtz and Dobson, already under contract with Western for other auditing services, had been looking into Meredith’s expenses up until yesterday’s meeting. But Nunn said the board had not decided whether to keep Baird, Kurtz and Dobson or replace that group with Arthur Andersen, a Louisville accounting firm.

He said Baird, Kurtz and Dobson had put the price of the audit at $50,000 when completed. The firm had been working for $6.5 an hour, he said.

Nunn would not say which board member invited him to the meeting. Instead, he called for unity among the board members.

“If there is a faction on this board, I shall not participate in any part of that,” Nunn said.

He also urged members to keep their feelings contained to the board meetings. He asked board members to talk to the media in a question-and-answer period at the end of board meetings instead of in private meetings with reporters.

“Sometimes those things (agreements) get into print,” he said. “And that shouldn’t exist.”

“Getting in the middle of internal strife at a university is nothing new for Nunn.”

In 1986, then-Gov. Martha Layne Collins appointed him and seven others to replace the board of regents at a troubled Morehead State University.

Then-president Herb Reinhard was facing budget problems and declining enrollment, and the previous board did not extend his contract.

“Governor Nunn ensured a smooth transition and helped the president leave gracefully,” Charles Wheeler, one of Collins’ appointees, told the Herald-Leader recently.

After getting Morehead back on track, Nunn moved to KSU and became chairman in 1989.

Iracane said Western hired Nunn because university attorney Franklin Berry thought he had a conflict of interest by representing both the board of regents and the university as a whole.
Louie Nunn to guide audit at WKU, says he's not 'out to get anyone'

By CYNTHIA CROSSLEY
Staff Writer

BOWLING GREEN, Ky. — Western Kentucky University's regents hired former Gov. Louie Nunn yesterday to guide their special audit of expenses under the control of President Thomas Meredith.

Nunn, chairman of the Kentucky State University board of regents, was at the center of a controversy last year that led to the resignation of KSU President John Wolfe.

In an impromptu news conference after yesterday's meeting, Nunn said he wasn't "out to get anyone" at Western.

"I'm not here to get any individual, the president or any member of his family," Nunn said. "I'm not here to defend the president or any member of his family. I'm not here to defend Mr. (Joe) Iracane (the board chairman) or any member of this board, or put any of them in any embarrassing position.

"I would hope by being counsel and by advising and using discretion and trying to go through any healing process that would be necessary that we put a cease to all of the things that you people want to write about."

Asked for his reaction to the hiring of Nunn as special counsel, Meredith said, "I'm in favor of anything that will help Western Kentucky University." He wouldn't comment further.

The board has commissioned a special audit of 11 spending areas, nearly all of which are expenses incurred by Meredith and his wife, Susan. The audit will also examine spending by Western's food services and physical plant departments.

Iracane has said the audit is intended to ensure the university is spending efficiently, but several regents have objected to it, with one calling it a "witch hunt."

The 7-2-1 vote to hire Nunn reflected that split (regent Monnie Hankins of Louisville abstained).

Yesterday, Nunn at first said a regent whom he declined to name asked him to consider helping the regents with the audit.

He then said regent Patsy Judd of Burkesville had both called and visited him to ask about "some of the problems we'd confront at Kentucky State and ... how that might relate here."

Wolfe became embroiled in a controversy with the KSU regents over various personnel matters, the cost of renovating his campus residence and a 9.5 percent raise he gave himself without their approval. He resigned in October as part of a settlement with the board.

Nunn said Judd also told him that Western's attorney, A. Franklin Berry Jr., had sent the regents a letter saying he thought he had a conflict of interest in advising the regents on the audit and suggesting they hire an outside attorney to handle it.

Nunn said he also talked with Robert Chambless of Munfordville, the audit committee chairman. He said he didn't discuss the issue with Iracane until yesterday morning.

When asked if Nunn's role in Wolfe's departure from KSU led to the board's decision...
Nunn to guide Western audit

Continued from Page A 7

sion to hire him at Western, Iracane said: "No. The most important consider-

ation was his concern for higher education, while he was governor of Kentucky, and all though his tenure since then.

"I think he shows great integrity... I wanted an unbiased, clear, focused opportunity to look at the issues and put these issues behind us so Western Kentucky University can go forward," Iracane said. "The board feels that he is the most able to handle this particular situation."

Nunn said he thought there was no conflict of interest in his working for Western and serving as chairman of Kentucky State.

Regents Stephen Catron of Bowling Green and Bobby Bartley of Glasgow voted against hiring Nunn at Western. Hankins, Freddie Travis of Glasgow, Judd and Chambless are members of the special regents committee handling the audit. Chambless, Judd and Travis voted yes, along with Iracane, faculty regent Gene Evans, student regent Heather Falmlen of Winchester, and regent Danny Butler of Greensburg.

Catron, who also walked out in protest from two closed sessions held during the board meeting, said he voted no because he had not been notified before the meeting that a proposal to hire Nunn — or any outside counsel — would be discussed and because "I do not think this is appropriate with our current budget constraints."

The others gave no reasons for their votes.

The board hired Nunn for $150 an hour, plus expenses. It set no limit on the length of his contract.

"I think part of the regents' logic in selecting him (Nunn) may well have been to imply that there are ... improprieties at Western similar to those at KSU," said Wendell Strode, a former regent who attended yesterday's board meeting. "That helps the regents in making their case to the public."

Strode is also a leader of a community group that supports Meredith and that has protested the regents' audit, demanded that Iracane and Judd step down and petitioned Gov. Brereton Jones to remove the two.

An officer of Western's Associated Student Government who also attended the meeting expressed anger at Nunn's hiring.

"I'm angry and disappointed in the board's decision to spend $150 an hour to hire this man when we're facing major budget cuts," said Missianna Holcomb, the student association's vice president for public relations. "We had to take up a collection in our class because we can't afford to have all the materials we needed printed. ... I'm upset because the quality of my education is being compromised. ... How can we learn in this topsy-turvy environment?"
Regents hire Nunn as consultant in surprise

By BVANS DONBELL
The Daily News

Despite opposition from reporters and several members of Western Kentucky University's Board of Regents about a series of closed sessions that apparently led to the decision, the regents voted Friday to hire former Gov. Louie B. Nunn as a consultant—at $150 an hour plus expenses and with no restriction on hours—for the board.

The surprise move came during a special meeting that, according to the agenda released prior to the meeting, was to discuss conditions of an outside audit of some university accounts, including most control by President Thomas Meredith, and other business. There was no discussion of the audit in open session.

Immediately following the initial roll call, Vice Chairwoman Patsy Judd requested the board go into executive session to discuss personnel matters.

The motion, seconded by regent Danny Butler, brought an immediate objection from regent Steve Carson. "Under the call we received, it was reported that the only item of business was the audit," he said.

"Under the bylaws of this university and the board of regents, it specifically prohibits and requires that a notice of special meetings contains a listing of each and every item to be discussed," he said.

"I don't see how we can expand beyond what our bylaws require," he said.

The move to go into executive session also was met with protest from several in attendance, including journalists covering the meeting.

"I have concerns that you're going to go in and talk about the audit under the guise of personnel matters," a reporter for a Louisville newspaper said.

A Daily News reporter also objected when the group went into a second executive session to hear a presentation from the Louisville accounting firm of Anderson, Artz and Co. Following Nunn's selection as counsel by a 7-2-1 vote, Carson and regent Bobby Catron of Glasgow voted against that closed session.

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Regents of trying to dismantle the predominantly black university, Nunn, 67, was appointed to the KSU board in 1989, after serving three years at Morehead State University during that university's troubled period. Nunn was seen as instrumental in getting KSU President John Wolfe to resign from KSU, a move that led to a two-day student takeover of the university's administration building.

But a haggard-faced Meredith — who has drawn strong support from business and community leaders who claim Ms. Judd and Tracane are conducting a witch hunt against the president and who have asked that the two resign — said Friday he didn't believe Nunn was hired to force the president from Western.
Additional education cuts could be

By EVANS DONNELL
The Daily News

Additional cuts in higher education funding necessitated by the state budget shortfall could be devastating to Western Kentucky University, according to President Thomas Meredith.

Gov. Brereton Jones may ask state departments to take a 10 percent to 15 percent cut to balance the budget. He will present Jan. 28 to the General Assembly. Western was told to cut $2.4 million from its budget in October when then-Gov. Wallace Wilkinson announced the state's $155 million revenue shortfall.

"A cut of that magnitude would be devastating to this institution," Meredith said, adding that everything is speculative at this point.

He said administrators are not sure what would be cut if Jones announces that budgets will have to be slashed again.

Western's University Budget Committee met Wednesday to discuss how the $2.4 million cut will affect the 1992-93 budget.

"They've been going over possible plans and strategies," Meredith said. "(The October cut) comes out of the base for next year, so we'll start without it."

The operating budget for this school year is about $109 million,
Not hired to oust Meredith: Nunn

By EVANS DONNELL
The Daily News

Former Gov. Louie B. Nunn said today that he was not hired by Western Kentucky University's Board of Regents to aid any plan to oust Western President Thomas "Tom" Meredith.

Instead, he said, his role will be that of peacemaker.

"I was hired to advise and counsel with the Board of Regents and look at any matter which had the potential for controversy and explain it so everyone could understand so that we can get on with business," Nunn said. "I'm not here for any personal vendetta."

Several Western regents have been the subject of protests by business and community leaders, who claim harassment of Meredith by the board.

"I wish people would stop using their imagination," Nunn said. "I want the public to know everything that is factual, but this gossiping has to stop."

Nunn is not new to university conflict. He was in the middle of a similar controversy last year when he was accused of helping IOC secure a stan11· so that we can get ooo

Business," Nunn said "rm not!imt ... Cohuiill_, Secl!im
__ .Nunn
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the resignation of Kentucky State University President John Wolfe, a charge he adamantly denies.

He was hired Friday by a 7-2-1 vote of Western's board as a special counsel at $150 an hour plus expenses. Regent Steve Catron voted no and said today that he could not condone hiring Nunn in the midst of a budget crisis.

"We've had a budget cut in the last 30 days alone of $1.3 million," he said. "With more cuts possibly on the way. I think at this juncture it's very questionable to hire someone as special counsel for $150 an hour with no caps on his expenses.

"We could be talking tens of thousands of dollars in a relatively short period of time while students are taking up contributions to pay for materials and supplies in their classes," said Catron, the board's Budget Committee chairman. "I find that extremely distressing."

Nunn was hired following a closed session that Catron stormed out of in protest. Catron, an attorney, feels that the private meeting, as well as a second to meet with representatives of the Louisville accounting firm Arthur Anderson and Co. was improper.

"There's no question in my mind that it violated the Open Meetings Act," he said. The act specifies reasons public bodies may meet behind closed doors.

Catron also said he felt that several of the board members knew beforehand the true purpose of Friday's meeting — hiring Nunn instead of discussing an audit of 11 university accounts, which was the only item listed on the agenda for the special meeting.

"I don't like the fact that four of the board members knew beforehand the true purpose of Fri­day's meeting — hiring Nunn in­stead of discussing an audit of 11 university accounts, which was the only item listed on the agenda for the special meeting."

"I don't want to get into anything political," Nunn said, "I don't want to get into any personality clashes."

Regent Monnie Hankins said he will keep his reasons for abstaining from the vote to himself for now.

"I'll reserve comment ... until I can clarify some things," he said. "I had some reservations."

Iracane said Nunn was hired because university attorney A. Franklin Berry Jr. had a conflict in representing the board in any dispute with the president because he is counsel for the entire school.

Other regents were unavailable for comment.
Nunn faces removal suit

By DAVID C.L. BAUSER

The Daily News

Two members of Western Kentucky University’s Board of Regents will file a lawsuit today seeking to void a contract approved Friday by the board for consultant Louie B. Nunn as a consultant to the board, the Daily News has learned.

Nunn was hired after a closed-door meeting of the board despite opposition from regents Steve Catron and Bobby Bartley, who were to file the suit in Warren Circuit Court against the Board of Regents and the other individual regents as members of the board.

The lawsuit seeks an immediate temporary restraining order to prevent Nunn — whose duties as consultant have not been clearly established and who will be paid $150 an hour plus expenses — from working in that capacity.

The lawsuit claims the manner in which Nunn was hired is in violation of the board’s own by-laws and also the Kentucky Open Meetings Act.

“The lawsuit contests the hiring of Louie B. Nunn as special counsel to the Board of Regents on three bases: first being that the by-laws of the university require that any special meeting of the Board of Regents also notice of the purpose of the meeting in the call. The call did not state that the consideration of the engagement of special counsel would be considered and as a result of that, consideration of the engagement of Louie B. Nunn violated the terms of the board’s own by-laws,” according to the complaint.

The lawsuit also contends the decision to appoint Nunn came during executive session in violation of open meeting laws.

“It provides for no exception for the retention of legal counsel and any action which arises out of an illegally conducted executive session is void,” the lawsuit said.

Nunn was hired to advise and represent the entire board and requested that regents make comments to reporters when they are all together to avoid animosity among members.

Nunn was asked to consider becoming the board’s counsel because of a conflict of interest with university attorney A. Franklin Berry Jr. in representing the board and the school because the audit involves the school’s president, Board of Regents Chairman Joe Judd, and look at any matter which had the potential for controversy and explain it so everyone could understand so that we can get on with business,” Nunn said. “I’m not here for any personal vendettas.”

Catron and Mrs. Judd have been the subject of protests by business and community leaders who claim harassment of President Thomas Meredith by the board.

Nunn confirmed that he had spoken with Meredith and expressed his disappointment prior to the hiring and with board members who have been critical of the board.
The Daily News
January 24, 1992

Judge will consider injunction on Nunn

By EVANS DONNELL
The Daily News
Warren Circuit Court Judge Thomas Lewis will consider a motion for a temporary injunction against the Western Kentucky University Board of Regents involving the employment of former Gov. Louie B. Nunn at 9 a.m. Jan. 30, his office confirmed today.

A temporary restraining order was issued Wednesday by Thomas after the filing of a lawsuit by regents Steve Catron and Bobby Bartley in which they allege Nunn was improperly retained as special counsel by the board, according to John David Cole, attorney for Catron and Bartley.

"The restraining order is to maintain the status quo until the hearing on the motion for a temporary injunction," Cole said.

If granted, the temporary injunction would be in force until a declaratory judgment on the case is issued or the lawsuit is dismissed, Cole explained.

In the suit, the two allege a special meeting Jan. 17 violated the university's bylaws because the special call for the meeting made no mention of the fact that Nunn's hiring would be considered. Nunn was hired by a 7-2-1 vote in which Catron and Bartley voted no and Regent Monnie Hankins abstained.

The bylaws were also violated, the plaintiffs maintain, because board secretary Liz Esters was not present at either of the closed executive sessions. Ms. Esters confirmed today that she did not go in to either meeting.

The suit also alleges that the closed sessions were a violation of the state's Open Meetings Act, and that special counsel for a public body such as the Board of Regents can only be retained if the governor signs an executive order to that effect.

"What we're saying is that there was never a valid meeting," Cole said, "but even if there was a valid meeting, the board lacked legal authority to employ special counsel because state law only gives the governor that power."

Hankins said today that he was not surprised by the lawsuit.

"You could see that might be coming at
Nunn

the meeting," he said.
Hankins said he abstained from
the vote because he thought the
board could settle its problems
without counsel.
"I didn't think it was necessary to
hire him," Hankins said. "I don't
see why the board can't handle this
amongst ourselves."
"The way he might be perceived
isn't good (for the university) ei­
ther," Hankins said. The remark
was a reference to a controversy at
Kentucky State University involving
Nunn and KSU President John
Wolfe. Wolfe later resigned from
his post.
"I think (the issues raised in the
suit) speak for themselves," Bartley
said, referring any other questions to
Catron, who was unavailable for
comment.
The board's next regular meeting
is scheduled for 10 a.m. Thursday,
with committee meetings at 9:30
a.m. and 9:45 a.m., according to Ms.
Esters.
Regents Joe Irocane, Fred Travis,
Heather Falmlen and Eugene Evans
declined comment, saying they
would abide by an agreement not to
speak to reporters outside of board
meetings — an agreement they
made with Nunn. Regents Patsy
Judd, Danny Butler and Robert
Chambless Jr., as well as Nunn,
were unavailable for comment.
2 regents get court order barring WKU’s board from using Nunn

Associated Press

BOWLING GREEN, Ky. — A temporary restraining order was issued yesterday barring former Gov. Louie B. Nunn from representing Western Kentucky University’s board of regents.

The order, signed by Warren Circuit Judge Thomas R. Lewis, arose from a lawsuit filed earlier yesterday by regents Stephen Catron of Bowling Green and Bobby Bartley of Glasgow against the board of regents as a whole.

In a special meeting last Friday, the board voted 7-2, with one abstention, to hire Nunn as a consultant at $150 an hour, plus expenses. No time limit was set on Nunn’s contract.

Nunn was hired after university attorney Franklin Berry said that he thought he had a conflict of interest in advising both the regents and the university administration.

Board chairman Joseph Iracane said last week that the board was hiring Nunn to advise them on an outside audit of certain university finances. Most of the areas to be audited are related to expenses incurred by university President Thomas Meredith or his wife.

Iracane did not return a telephone message left at his home last night.

The lawsuit seeking the injunction alleged that the board violated its own bylaws in the way it called the special meeting; that the decision to hire Nunn was made illegally behind closed doors; and that according to state law, no legal counsel can be hired by a state institution — such as Western — without an executive order signed by the governor.

Catron had made these objections during last Friday’s meeting. He left the closed session in protest.

Nunn was unavailable for comment last night.

Nunn, the chairman of Kentucky State University’s board of regents, was instrumental in forcing the resignation of KSU President John T. Wolfe Jr. last October, and some have speculated that Nunn may have been called in at Western to guide in ousting Meredith.

“A rather bold move needed to be taken by the board members to resolve this most deplorable situation,” said Catron, a Meredith supporter, in explaining his lawsuit.

Catron, himself an attorney, said Nunn’s contract was “exceedingly questionable.”

“Beyond that, it’s simply an exercise in bad judgment to be expending funds at $150 an hour for Mr. Nunn for an unstated period of time. There are actually no limits on it,” Catron told WBKO-TV in Bowling Green.

Nunn was unavailable for comment last night.
Suit challenging WKU regents is ‘drastic mistake,’ Nunn says

By GIL LAWSON
Staff Writer

A lawsuit challenging the authority of the Western Kentucky University board of regents to hire its own counsel is a "drastic mistake," according to former Gov. Louie Nunn, the person the regents hired.

A temporary restraining order barring Nunn from representing the regents was issued Thursday after two regents filed a lawsuit. It charged that the process used to hire Nunn at a meeting earlier this month was illegal.

At the center of the WKU controversy is an effort by some regents to have Nunn audit expenses under the control of President Thomas Meredith. The president's supporters have charged that the audit is aimed at Meredith.

Nunn, the chairman of the Kentucky State University board of regents, said the lawsuit "gives further impetus to the problems that exist at Western ... They need to put it behind them and become a cohesive force."

The lawsuit alleged that the board violated its bylaws in the way it called the meeting, that the decision to hire Nunn was made illegally behind closed doors and that, according to state law, no legal counsel can be hired by a state institution without an order signed by the governor. Nunn disputed those claims, saying the board "can do whatever they want to do." He has previously said he wasn't "out to get anyone" at WKU.

John David Cole, the Bowling Green lawyer who filed the suit, said the suit was intended to ensure the board of regents "operates in compliance with its own bylaws and within the authority of the board."

The suit was filed on behalf of Stephen Catron of Bowling Green and Bobby Bartley of Glasgow, two regents who back Meredith.

Cole said the suit had nothing to do with legislation before the General Assembly that would allow the governor to revamp all university boards.

A hearing is scheduled for Thursday before Warren Circuit Judge Thomas R. Lewis, who issued the temporary restraining order. Cole said he will seek a temporary injunction, which would stay in effect while the suit is pending.

Regent chairman Joe Iracane wouldn't comment on the suit yesterday. He has said previously that the audit is intended to ensure Western is spending efficiently.

Information for this story also was gathered by staff writer Jay Blanton.
FRANKFORT - Western Kentucky University's Board of Regents plans to start taking legal advice from former Gov. Louie B. Nunn — despite a court challenge by two of the regents.

The regents voted 7 to 2 yesterday to rehire Nunn to "mediate" an inquiry into the spending of WKU President Thomas C. Meredith. One regent abstained.

In a special meeting, the regents also voted 6 to 2 to hire the law firm of Stoll Keenon & Park to defend them in the lawsuit filed by two board members. Two regents abstained.

The board hired Nunn the first time during a special
WKU: Regents rehire Nunn, choose law firm to defend board in suit

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meeting Jan. 17.

But regents Bobby R. Bartley and Stephen B. Catron filed a lawsuit last Thursday, saying Nunn's hiring violated state laws. Bartley and Catron said the board could not hire Nunn or any other attorney without permission from Gov. Bredon Jones.

They argued that the hiring also violated the board's bylaws because the topic was not on the agenda.

A restraining order issued last Thursday in Warren Circuit Court barred Nunn from serving as special counsel to the board.

The agenda for yesterday's special meeting said the regents could hire attorneys.

After the meeting, Nunn said the board's decision to rehire him should put an end to questions of his hiring.

Board chairman Joe Lacee said yesterday's vote clears the way for Nunn to advise the board at its regular meeting Thursday.

Bartley declined to comment, but Catron said Nunn cannot serve the board as long as the restraining order is still in place.

A hearing on the lawsuit was scheduled for Thursday but has been postponed.

Catron said the board also could not legally hire Stoll Keenan & Park because the governor has never issued an executive order permitting it.
Nunn exits KSU board, says WKU suit mistake

FRANKFORT, Ky. (AP) — Former Gov. Louie Nunn calls a lawsuit challenging his hiring as counsel by the Western Kentucky University Board of Regents a "drastic mistake."

Nunn said the lawsuit "gives further impetus to the problems that exist at Western. They need to put it behind them and become a cohesive force."

Western regents Steve Carron and Bobby Bartley filed the lawsuit Thursday. It charged that the process used to hire Nunn at a Jan. 17 meeting was illegal. A temporary restraining order barring Nunn from representing the regents was issued after the suit was filed.

At the center of the Western controversy is an effort by some regents to have an audit of expenses under the control of President Thomas Meredith. The president's supporters have charged that the audit is aimed at Meredith.

The lawsuit alleges that the board violated its bylaws in the way it called the meeting, that the decision to hire Nunn was made illegally behind closed doors and that, according to state law, no legal counsel can be hired by a state institution without an order signed by the governor.

Nunn disputed those claims, saying the board "can do whatever they want to do." He has previously said he wasn't "out to get anyone" at Western.

John David Cole, the Bowling Green lawyer who filed the suit, said the suit was intended to ensure the Board of Regents "operates in compliance with its own bylaws and within the authority of the board."

A hearing is scheduled for Thursday before Warren Circuit Judge Thomas R. Lewis, who issued the temporary restraining order. Cole said he will seek a temporary injunction, which would stay in effect while the suit is pending.

The regents plan to meet the same day.

Regent chairman Joe Jarcane wouldn't comment on the suit Friday. He has said previously that the audit is intended to ensure Western is spending efficiently.

Nunn bid farewell Friday to Kentucky State University, where he has been chairman of the university's Board of Regents.

Nunn's term as a regent expires this month.

Nunn, who was near tears during the farewell ceremony at KSU, offered his services to the university in whatever fashion the university might need in the future.
Nunn-WKU suit thought warranted

By EVANS DONCELL

Business leaders who have supported Western Kentucky University President Thomas Meredith in his perceived conflict with some members of the university’s Board of Regents feel the lawsuit filed against the hiring of former Gov. Louie B. Nunn as special counsel is warranted as is the temporary injunction issued against Nunn’s engagement, group leader Wendell Strode said today.

“I think they are, on a temporary basis, what our community group support,” Strode said. “In the long run, we hope new board members that take the place of those leaving the board soon will heal the wounds and go about the business of working to make Western an even better school for the students there.”

Chairman Joe James and Vice Chairwoman Patsy Judd will end their terms this summer, Strode said. The pair have been accused of being at the center of the perceived squabble.

Strode, a regent at the school from December 1987 until July, made his comments in the wake of a lawsuit filed by regents Steve Catron and Bobby Bartley.

The suit alleges that Nunn was improperly hired because the special meeting called for Jan. 17 did not mention discussion of Nunn’s hiring on its agenda, making it a violation of the university’s bylaws.

The suit also alleges that the closed executive sessions called during the meeting were a violation of the state’s open meetings statutes. It further alleges the board overstepped its authority in hiring Nunn.

By law, the governor has to appoint a special counsel to public agencies such as the Board of Regents, the lawsuit contends.

“When I was on the board, it seemed their whole approach was to hold meetings behind closed doors,” Strode said. “They can’t seem to stand the sunshine.”

Strode’s group presented a petition signed by 42 people supporting Meredith to the board in the fall after an internal audit revealed nothing improper in the expense spending of Meredith and his wife, Susan.

“(The internal audit) only showed there needed to be procedural changes,” Strode said.

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Nunn

said. The names for the petition were gathered in about two hours, he added.

Nunn on Friday called the lawsuit a drastic mistake.

“They need to put it behind them and become a cohesive force,” he said.

A temporary restraining order issued Thursday by Warren Circuit Judge Thomas Lewis will bar Nunn from fulfilling his $150-an-hour duties until a hearing on a motion for a temporary injunction is heard at 9 a.m. Thursday, according to Lewis’ office. If granted, the temporary injunction would remain in effect while the lawsuit is pending.
WKU’s chief regent blasts 2 over suit

By CYNTHIA CROSSLEY
Staff Writer

BOWLING GREEN, Ky. — Joe Iracane, chairman of Western Kentucky University’s regents, blasted two of his fellow regents yesterday for suing to block the hiring of former Gov. Louie B. Nunn as special counsel to the board.

In a prepared statement, Iracane, of Owensboro, said the “frivolous lawsuit” filed by Stephen Catron of Bowling Green and Bobby Bartley of Glasgow will “make for more widespread embarrassment and drag our president, Dr. (Thomas C.) Meredith, through the needle’s eye of public scrutiny. . . . I am confident the public wants to know why these two regents are trying to delay, run up costs, and keep the university in a state of turmoil.”

Iracane issued the statement in announcing that a special meeting of the WKU regents will be held in Frankfort at 4 p.m. today, after Gov. Brereton Jones meets with regents, trustees and presidents from all the state universities.

The Western regents’ agenda includes one main item, hiring “attorneys and auditors and any other personnel determined appropriate at the meeting to perform any function of the board of regents.”

On Jan. 17, Western’s regents voted 7-2, with one regent abstaining, to hire Nunn as special counsel after university attorney Franklin Berry announced that he had a conflict of interest in advising the board on a special audit some regents requested in December. The audit, yet to be done, is to focus on 11 spending areas controlled by Meredith, as well as the operation of Western’s physical-plant and food-service departments.

Bartley and Catron, who cast the two opposing votes, filed the suit last Thursday and won a temporary restraining order from Warren Circuit Judge Thomas R. Lewis.

After criticizing Catron and Bartley for not accepting “the majority decision of 7 to 2 from the other members of the board,” Iracane’s statement said: “If we can get the university out of the chamber (of commerce)’s chamber, the court room, news room, and bank board rooms of Bowling Green, I believe we can save our university and its president if the responsibility of the university is left with the board as the law provides.”

In response, Bartley deferred to Catron, who said their suit was “carefully prepared to avoid any interpretation as a personal matter between any of the board members. Rather, it was designed to explore legal issues. I will not respond to personal attacks.”
Get beyond bickering, WKU regent advises

By EVANS DONNELL
The Daily News

Western Kentucky University needs to get beyond the bickering between the community and the university's Board of Regents if Western is to prosper, board Chairman Joe Iracane said Monday.

"If we can get the university out of the (Bowling Green-Warren County) Chamber's chamber, the court room, the news room and bank board rooms of Bowling Green, I believe we can save our university and its president if the responsibility of the university is left with the board as law provides," Iracane said in a strongly worded statement.

His statement came in announcing a special meeting today of the university's Board of Regents. Regents are meeting today at the Frankfort office of Kentucky State University lawyers to discuss hiring special counsel for the board.

The meeting, called by Iracane, is necessary because "regents Bobby Bartley and Steve Catron would not accept the majority decision to hire former Gov. Louie B. Nunn ... as special counsel to the board."

Nunn was hired Jan. 17 during a special meeting of regents. His engagement as special counsel has been prohibited by temporary injunction following a lawsuit by Catron and Bartley in which Nunn's appointment to the board is questioned.

Bartley and Catron filed suit Thursday against the board, charging regents with improperly hiring Nunn by violating the university's bylaws, the state's Open Meetings Act and a Kentucky statute that stipulates that the governor appoint special counsel to state agencies.

Warren Circuit Judge Thomas Lewis has issued a temporary restraining order barring Nunn from performing his duties as special counsel. That order will be in effect until a motion hearing for a temporary injunction is held at 9 a.m. Thursday.

If the temporary injunction is granted, it would keep Nunn from working at $150 an hour plus expenses while the lawsuit is pending.

"Our recently employed attorney ... has been enjoined by the frivolous lawsuit filed by Catron and Bartley," Iracane said in a prepared statement.

The meeting will be at the law offices of Stoll, Keenon and Park, a firm that represents the Kentucky State University board, according to firm member Guthrie True.

Nunn finished his term Friday as chairman of the KSU board.

"The purpose of this special meeting will be to address the appropriate responses to this frivolous litigation and to find ways for the board's majority to press on with its audit of university expenditures and discussions of procedural changes designed to strengthen the university and assure the public that its tax money is being spent wisely and appropriately," Iracane said.

Catron said he felt Iracane's statement was a personal attack on him and Bartley.

"As far as the audit is concerned ... that (statement) is simply not correct," he said. "I am, and always have been, in favor of an audit which is conducted fairly and with a wider scope defined concerning the issues raised. My opposition is to the audit format and not the audit."
By EVANS DONNELL
The Daily News

A hearing Thursday to keep former Gov. Louie B. Nunn from counseling Western Kentucky University’s Board of Regents has been postponed, but the potential for an injunction did not keep regents from voting Tuesday to hire Nunn again as special counsel.

The board met Tuesday in Frankfort and voted 7-2 with one abstention to hire Nunn and 6-2 with two abstentions to retain the law firm of Stoll, Koonen and Parke to represent the board in a lawsuit filed by regents Steve Catron and Bobby Bartley.

A hearing on an injunction to prohibit Nunn from being engaged by the board had been scheduled for Thursday morning, but it has been delayed until sometime during the next two weeks. No new hearing date has been scheduled.

“We wanted to give the other side adequate time to prepare,” said attorney J. David Cole, who represents Catron and Bartley in the lawsuit. “It’s a matter of course.”

The vote Tuesday to hire Nunn was identical to one Jan. 17 that led to the lawsuit and injunction hearing when Nunn was hired following an

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"I don't see why we have to vote on this again," Regent Fred Travis said.

He then asked Nunn for his opinion and was reminded Nunn is under a temporary restraining order that prohibits him from advising the group.

"I don't want to cause any more trouble for the board," Nunn said.

"You've got enough troubles as it is."

Fees for the board's attorneys in the lawsuit would not exceed $200 an hour and they would not be retained for a period to exceed four years, Regent Danny Butler said in making the motion to hire the firm.

Travis and Bartley voted no, with Catron and Monnie Hankins abstaining. Travis said he felt the motion was too broad because it covered any litigation involving the board.

The motion to hire Nunn was modified from the Jan. 17 meeting to include the provision that Nunn could be retained for no more than four years.

Catron said today that a 1984 state attorney general's opinion states that no university board may appoint special counsel. Those appointments must come from the governor, Catron said.

Stoll, Keenon and Parle have represented the Kentucky State University Board of Regents. Nunn was chairman of that board until Friday.
Western regents erred in hiring former governor

Turbulent times at Western Kentucky University have seemingly subsided in the past few months, but it now appears to be the calm before a storm.

In an unforeseeable and legally questionable action, a majority of the members of Western’s Board of Regents on Jan. 17 hired former Kentucky Gov. Louie B. Nunn to become a special consultant. The board may have tidied up legalities of that action Tuesday by rehiring Nunn, but his employment remains a mistake.

The action and the way it was accomplished colors the evolution of events at Western, giving reason for heavy worry about matters at the university because of Nunn’s past involvement in politics and matters at another state university.

Nunn, a Republican who was governor from 1967 to 1971, has been considered by many to be one of the state’s best governors. He has survived the past 20 years of political hard knocks to become an elder statesman in the eyes of Kentuckians. Sadly, that image of the man is fading.

In early 1991, as campaign chairman for Larry Forgy, Nunn was perceived as a hatchet man for the Republican candidate who narrowly lost the May GOP primary to U.S. Rep. Larry Hopkins, 6th District.

Though Nunn eventually bowed out of the battle, fighting between GOP factions and its two candidates left the Republicans divided against Democrat Brereton Jones, who used the situation to his advantage.

No sooner does Nunn’s involvement in the gubernatorial campaign pass than he’s reappearing as the key leader in a campaign that ousted Kentucky State University President John Wolfe in Frankfort.

Nunn, 67, was appointed to the KSU board in 1989, after serving three years at Morehead State University during that university’s troubled period.

His allegations that Wolfe improperly used university funds were at the heart of the situation. Students at KSU accused Nunn of racism and of trying to dismantle the predominantly black university. While many people believe Nunn’s cause was right, innuendo of bigotry erupted and is nearly impossible to escape — whether true or not.

Now here we are at Western, in Bowling Green. The words “witch hunt” linger on the lips of too many, interject former Gov. Nunn into the situation and it becomes volatile.

Business and civic leaders who’ve supported Western President Thomas Meredith in his perceived conflict with some members of the university’s board and questions about some of Western’s finances were already on the defensive. Hiring Nunn has caused a lawnmower and the board is no closer to beginning an audit that targets mostly expense spending of Meredith and his wife, Susan.

This newspaper has refused to take sides in the issue of whether the audit is necessary, but it has endorsed the regents’ plan to audit the university’s accounts because it is a common function of business. Too, Meredith publicly supports the audit.

But the hiring of Nunn in a covert manner, paying him $150 an hour plus carte blanche expenses for no specific reason and interjecting his past record casts a shadow over the call for the audit. The audit should proceed — but without the need for special consultation with Nunn.

The regents have erred twice in hiring Nunn, first on Jan. 17 and again Tuesday. Until Nunn is removed from the process, it will be remain under a shroud of internal politics and bickering.

An expert who has the right credentials could help Western, but Nunn is not that person. Until that can be done, in an open and constructive manner, Western cannot be accountable to those who it seeks to educate and to serve.
Petition awaits faculty position about Meredith

By EVANS DONNELL
The Daily News
The faculty representative to Western Kentucky University's Board of Regents said Tuesday that he doesn't see anything wrong about not responding to a faculty petition supporting President Thomas Meredith.

Faculty Regent Eugene Evans acknowledged he received the petition -- which was signed by 65 or 75 faculty and staff members and given to him in October -- but said he never presented the feeling to the board because he doesn't think it represents the majority of Western faculty.

"The fact that I've said nothing doesn't mean Dr. Meredith doesn't have my support," Evans said. "I think the faculty's divided on this and I'm doing my very best right now to find out what the faculty really wants.

"If it turns out they support him, I'll support him."

But agriculture department head Luther Hughes, who gathered the petition, said he doesn't understand why the opinion was never expressed.

"I think it showed that several faculty members want Dr. Meredith to stay," Hughes said. "I think a problem since I've been here is that presidents haven't stayed long enough to make the direction they wish to take the university in clear enough for everyone involved," he said.

"Some people came to me afterward and said they wished they could withdraw their names from that petition," Evans said. "I can't tell you how many, but there were several."

"Frankly, I don't have a strong position right now," Evans said. "I'm not going to take a position until I feel I'm representing most of the faculty."
B. Nunn was hired by the Western Board of Regents, a regent.

"That's not the way I read it," he said.

Catron referred to a Kentucky law that gives the governor the authority to hire special counsel for public agencies such as the Board of Regents. Catron and Bartley contend in their lawsuit that the board does not have that authority.

Nunn will be paid $12,000 a month for a period not to exceed six months as an employee of Western. He will receive no additional compensation, but he might be used for other tasks as the board sees fit, Butler said.

Regents voted 6-3-1 to hire Nunn as audit supervisor. Regents Bartley, Catron
Regents deny secret agenda

By EVANS DONNELL
The Daily News

Two Western Kentucky University regents said Thursday that they are not trying to oust President Thomas Meredith from office.

"That's absolutely ridiculous," Iracane said. "That question makes no sense to me. It upsets me that the question was even asked."

The Board of Regents has approved an audit of several university accounts — most of which are controlled by Meredith. Some regents and Bowling Green business leaders have said this audit is a witch hunt against Meredith.

Iracane and Vice Chairwoman Candy Judd also said they had no one in mind to replace Meredith.

"I absolutely don't," Mrs. Judd said, who added that she is not trying to oust Meredith.

Regents voted 6-3 Thursday to hire former Gov. Louie B. Nunn as audit supervisor after a lawsuit filed Jan. 23 brought into question the board's authority to hire Nunn as special counsel. The lawsuit, which was brought by regents Steve Catron and Bobby Bartley, claims only the governor has that authority.

Mrs. Judd made the motion to have the audit at the board's December meeting. In it, she said questions that were raised in an internal audit needed to be examined to clear up any doubts about spending practices.

The internal audit, which was released Oct. 25 by university auditor Warren K. Irons, recommended that procedural changes be made in the way expense accounts for Meredith and his wife, Susan, were set up. It noted that those accounts and the procedures for their use had been set up by the board before Meredith became president.

A member of the business group that is concerned about the situation at Western said he cannot figure out why the audit and hiring of Nunn are necessary.

"It's just a complete waste of resources that are very, very scarce," said Wendell Strode, a member of the business group.

Nunn also has denied allegations at Western to help Meredith from office.

Nunn was involved in a controversy last year at Kentucky State University that led to the resignation of university President John Wolfe. He was chairman of KSU's Board of Regents until last week.

"I'm not here for any personal vendetta," Nunn said when board members hired him Jan. 17 as special counsel at a cost of $150 an hour plus expenses.

Nunn also has denied that he is at Western to help remove Meredith from office.

A state budget shortfall resulted in more than $31 million in cuts to state universities in October. Another cut is expected when Gov. Brereton Jones presents his proposed budget to legislators on Feb. 6.

"And they're getting thinner all the time."

"They've had an internal audit which recommended changes," he said. "They don't need another audit or an advisor to do that, so why are they going through all of this?"

A state budget shortfall resulted in more than $31 million in cuts to state universities in October. Another cut is expected when Gov. Brereton Jones presents his proposed budget to legislators on Feb. 6.

"I'm not here for any personal vendetta," Nunn said when board members hired him Jan. 17 as special counsel at a cost of $150 an hour plus expenses.

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Nunn was involved in a controversy last year at Kentucky State University that led to the resignation of university President John Wolfe. He was chairman of KSU's Board of Regents until last week.
WKU board hires Nunn to supervise expense audit

By Steve Vied
Messenger-Inquirer

Blocked in two attempts to hire former Gov. Louie B. Nunn as a special legal counsel, the Western Kentucky University regents hired Nunn instead as a university employee Thursday. The regents then abruptly adjourned, bringing an end to yet another contentious board meeting.

The regents, torn by controversy involving a special audit of some university expenses, most handled by university President Thomas C. Meredith, hired Nunn at a salary of $12,000 a month for up to six months to supervise the special audit.

The vote to hire Nunn was 6-3 with one abstention. Two of the no votes were cast by Stephen Catron and Bobby Bartley, who filed a lawsuit against the board last week claiming the original attempt to hire Nunn violated the open meetings law and WKU bylaws. The other no vote was by Fred Travis. Monnie Hankins abstained. Voting to hire Nunn were chairman Joe Iracane of Owensboro, Danny Butler, vice-chairman Patsy Judd, Robert Chambless Jr., faculty regent Eugene Evans and student regent Heather Falmers.

Catron termed the hiring of Nunn as an employee “an absolute outrage” and said it was merely an attempt to get around a law that says a special counsel has to be appointed.

See NUNN/SC