

**INDEPENDENT ETHICS COMMISSION - Formal Complaint Form**

**BEFORE THE INDEPENDENT ETHICS COMMISSION    CASE NO. \_\_\_\_\_**  
**OF THE STATE OF COLORADO** (IEC use only)

**COMPLAINT**

**The Complainant(s) is (are):**

LARK'S WING LLC

**Address (Include City and Zip Code)**

MATTHEW C CAMPBELL ATTORNEY  
143 E 10th St.  
Durango, CO 81301

**Daytime Phone No.**

970-422-4270

**Email:** matthew@cswlegal.com

**The Respondent(s) is (are):** Dene Kay Thomas

**Address (Include City and Zip Code)**

OFFICE OF THE PRESIDENT  
FORT LEWIS COLLEGE  
1000 Rim Drive  
Durango, CO 81301

**Daytime Phone No.**

970-247-7100

**Email:** thomas\_d@fortlewis.edu

**The specific act or things complained of, with the facts to give a full understanding of the situation, is (are):**

see attached

The remedy to the matter I (we) would like is:

see attached

I (We) hereby acknowledge that I (we) will cooperate in this Complaint and will appear at any hearing if the Complaint is set for hearing.

Signature(s): SARK'S WING LLC by Rose Dand  
manager

Attorney (if applicable): [Signature]

Dated at Durango, Colorado, this 17th day of April, 20 13.

## UNERDLYING FACTS

1. Dene Kay Thomas is the President of Fort Lewis College in Durango, Colorado.
2. President Thomas's husband is Dr. Gordon Thomas.
3. President Thomas and her husband had already planned their first trip to the Arabian peninsula when President Thomas first emailed Sheik Adel Aujan in November 2012 asking for a meeting.
4. In a reply email, Sheikh Adel Aujan promptly arranged to not only meet with President Thomas, but to do so at a dinner – to be held in “her honor” and paid for by the Sheikh.
5. The nature of the event as entertainment and as an honorarium is confirmed by the invitations to the event, a dinner and reception, to be held “on the occasion of the visit of Dr. Dene Kay Thomas . . . together with her husband Dr. Gordan Thomas.”
6. The reception consisted of cocktails despite the Islamic culture of Dubai.
7. The reception and dinner was held at the Burj Al-Arab, one of the world's most famous and expensive hotels; the hotel is on an artificial island, is one of the tallest hotels in the world, and is shaped like a giant sailing ship.
8. The Sheikh Adel Aujan paid for the event without any reimbursement from President Thomas or her husband.
9. President Thomas charged Fort Lewis College \$3,400 for airfare. In addition, President Thomas collected undocumented “per diem” payments of \$1,395 over eight days of travel.
10. President Thomas was reimbursed for her husband's expenses (including airfare,) even though her husband is not an employee of the university, and such payments were against the policy of the university, because she rationalized on official reimbursement forms that the “protocol” of Dubai demanded that she not travel to such a place without a male family member.
11. The Fort Lewis College Travel Policy explicitly forbade the school from paying or reimbursing travel expenses for relatives or family members accompanying school employees.
12. President Thomas and her husband traveled to Dubai on February 20, 2013 and returned on February 28, 2013.
13. President Thomas's home videos document their activities in Dubai.
14. One video taken February 22, 2013, shows President Thomas spending the day being tour-guided around Abu Dhabi by a friend, not conducting official business.
15. One video taken February 23, 2013, shows President Thomas spending the day on



personal travels in Abu Dhabi, the capital of the United Arab Emirates, visiting the Marina Mall (an upscale shopping facility,) an ice skating ring, a mosque in downtown Abu Dhabi, and the world's tallest flagpole, strolling along the Corniche, a road and walkway along the edge of the sea, visiting buildings where their friend used to live and work, and taking pictures of bikini-clad beach-goers, not conducting official business.

16. One video taken February 26, 2013, shows President Thomas spending the day skiing at the famous indoor skiing facility in Dubai and otherwise vacationing, not conducting official business.
17. One video taken on February 27, 2013 shows that President Thomas spending the day taking a tour in the desert near Abu Dhabi, visiting camels, a camel farm, camels roaming around the desert with a herder, a three-day-old camel with its mother, taking a camel ride, frequenting a camel accessory shop, and visiting a camel racetrack, not conducting official business.
18. Fort Lewis College Fiscal Rules, Section VII, revised April 09, 2012, were in effect at all times relevant; specifically, such version was in effect from April 09, 2012 until March 31, 2013; such time period included the dates of all travels, the date of the dinner and reception, and the dates when the reimbursements were sought and paid.

#### VIOLETION OF COLORADO CONSTITUTION

19. President Thomas violated Article XXIX of the Constitution of Colorado by accepting the dinner and reception held in her honor at the Burj Al-Arab while not repaying Sheik Adel Aujan the fair cost of the honoraria, food, alcohol, space rental, entertainment, and other expenses associated with the event held in her honor.

#### VIOLETION OF REPORTING REQUIREMENTS

20. President Thomas violated reporting requirements (specifically, but not necessarily limited to, Fort Lewis College Fiscal Rules, Section VII, Paragraph 9.7 and 5.3) by claiming expense reimbursement for her husband's travel expenses and airfare.
21. President Thomas violated reporting requirements (specifically, but not necessarily limited to, Fort Lewis College Fiscal Rules, Section VII, Paragraph 9.5 and 1.2.2) by claiming excessive per diem on days when no official business was being conducted and by failing to prorate expenses of the trip between business and personal expenses.
22. President Thomas violated reporting requirements (specifically, but not necessarily limited to, Fort Lewis College Fiscal Rules, Section VII, Paragraph

9.5 and 1.2.1) by claiming excessive per diem on days when no official business was being conducted and by failing to make her trip as short as possible.

#### DEMAND AND REMEDIES SOUGHT

23. President Thomas should be held liable to the State of Colorado and to Fort Lewis College for double the amount of her personal gain or approximately \$29,800. Her personal gain totaled approximately \$14,900 which included \$3,500 in airfare, \$1,400 in wrongly charged per diem, and approximately \$10,000 for value of honoraria and entertainment at the dinner and reception held in her honor by Sheikh Adel Aujan at the Burj Al-Arab Hotel.

Signed and submitted this 17<sup>th</sup> day of April, 2013.



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