

get her assistance. I sent Mr. Martin an email with Ms. Sparks's phone number (a copy of which is attached as Exhibit J to CCS's Request for Review) and left a message with Ms. Sparks that Mr. Martin was trying to reach her. At no time did Mr. Martin indicate to me that he was working on the Form 470 or request my assistance or advice on how to complete this form. I have never assisted or been involved in the preparation of a Form 470 filed by CSS or any other school system.

8. After CCS submitted the Form 470 and waited the requisite 28 days consistent with USAC's rules, PNC was selected as the vendor to provide internal connections and basic maintenance of internal connections. On February 6, 2008, I visited Mr. Martin at the Cherokee County Schools. The purpose of my visit was to deliver the contract signed by PNC on February 4, 2008 so that Mr. Martin could complete the Form 471.

9. In its Request for Review (¶ 12), CCS falsely claims that I "assisted" CCS "on matters relating to the appropriate discount level and the bid for Priority II services." The only basis for this claim is the fact that was present for a brief time when Mr. Martin and other CCS employees were sorting through the surveys CCS had collected from the schools to calculate the E-Rate discount. I was curious as to what the survey looked like, picked up several that were on the table, and offered to help with the sorting. Jeana Hardin, Director of Instructional Technology and Public Relations at CCS, came into the office and asked me to step outside. Ms. Hardin was very apologetic but said that since the surveys contained confidential information she did not think I should be there and asked that I leave. I agreed and left promptly. I did not "assist[]" with the tabulation of the surveys," nor was I involved in the calculation of the discount to which CCS claimed it was entitled, as CCS alleges in its Request for Review (p. 5).

10. On April 16, 2009, PNC and Cherokee had a meeting scheduled to review the project. Present at the meeting from PNC were Dan Whitt, Jeremy Meyers, and myself. Ms. Hardin and Terelle Beaver were present from Cherokee. At no time during this meeting did either Ms. Hardin or Ms. Beaver give any indication that the project was not moving forward or that there were any problems with the discount rate claimed by CCS. Ms. Hardin asked that the start date be set as June 1, 2009 to give her time to complete an evaluation of her staff. Based on the June 1 start date, we also discussed the need for Cherokee to submit the Form 486 so we could order the equipment to arrive in time and whether there was sufficient storage at the CCS Network Operation Center (NOC) to house the equipment.

11. In their affidavits, both Ms. Hardin (¶¶ 15-19) and Ms. Beaver (¶¶ 14-18) discuss the April 16, 2009 meeting, alleging that PNC threatened to discontinue telephone service at Mountain Youth and Peachtree schools and agreed to delay work on the project until CCS's discount level could be verified in an attempt to get CCS to file the Form 486. These allegations are untrue. Neither I nor anyone else from PNC made any such threats or reached any such agreement at the April 16 meeting or any other time. Also, at no point during the April 16, 2009 meeting did Ms. Hardin or Ms. Beaver mention a problem with CCS's discount rate, ask PNC to "hold off" on ordering equipment, or ask PNC to wait to draw down funds from USAC.

12. After the April 16, 2009 meeting, it was my understanding that the project was going forward, and PNC made plans accordingly. For example, on April 21, 2009, I sent an email to PNC staff to explain the project and the timing of the work. In this email, I explained that PNC was "approved from Cherokee County Schools to start the IP

Telephony and Network Upgrade project.” I also explained the start date of June 1, 2009. A copy of this email is attached to my Affidavit as Exhibit 1. I would not have directed my staff to prepare to launch this project if PNC had agreed to “hold off” on providing services listed on the Form 486 “until Cherokee could verify its discount rate,” as Ms. Hardin asserts in her Affidavit (¶ 16).

13. On May 5, 2009, I called Ms. Hardin to schedule the charter meeting for the project. The purpose of the charter meeting is to discuss the project with the customer to ensure that PNC and the customer have the same understanding about the scope of the project and how the project will be implemented. During this call, Ms. Hardin told me that CCS was having problems with its discount and locating the surveys upon which the discount level had been based. This was the first time I learned of any issues with the discount claimed by CCS.

14. On May 6, 2009, I sent Ms. Hardin an email offering to give her Ms. Sparks’ number and explaining that Ms. Sparks had offered to help CCS in the past. Ms. Hardin responded that CCS had reviewed the surveys but could not reach a 90 percent discount rate. But she also stated “we still have some anomalies to work through... we might still come out okay.” A copy of this email is attached to my Affidavit as Exhibit 2. Ms. Hardin continued to assure me that CCS was moving forward with the project. At no time in the emails we exchanged or the telephone calls we had in May 2009 did Ms. Hardin ask that PNC stop work on the project or delay the June 1, 2009 start date to which the parties had agreed at our April 16, 2009 meeting.

15. On May 25, 2009, I sent Ms. Hardin another email to try to schedule the charter meeting for the project. I indicated that we needed to get our scheduling straight for June and told her that one of our engineers (nicknamed "V") needed to come out and confirm that CCS had received the equipment that PNC had ordered for CCS. Ms. Hardin responded "Yes to everything u asked." A copy of this email is attached as Exhibit 3. Ms. Hardin did not act surprised or "alarmed" about the equipment deliveries, nor did Ms. Hardin question why PNC was continuing work on the project when it allegedly had promised to "hold off" on the project, as she claims in her Affidavit (¶¶ 24, 27).

16. On June 1, 2009, PNC received a letter from CCS Superintendent, Dr. Stephen Lane, asking PNC to stop all work on the project. However, Ms. Hardin subsequently contacted PNC to ask that we install a Call Manager system at CCS's NOC. I met with Ms. Hardin on June 25, 2009 to discuss the installation of the Call Manager system. During this meeting, Mr. Hardin told me that Funds for Learning was working hard to get CCS's discount to the 90% level.

17. In July 2009, PNC installed the Call Manager at the NOC and returned the borrowed system to Cisco. CCS paid its 10% of the cost of the Call Manager system. I was encouraged by this work and the indications that CCS was continuing to review documentation to justify its discount level. Throughout the summer and into the fall of 2009, I fully expected that PNC would be able to complete the E-Rate project for CCS, and it was just a matter of Funds for Learning completing its review and providing the necessary support for the discount claimed by CCS.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.


Phillip Colvard

Date: 05/01/2010

Exhibit 1

From: Phillip Colvard
Sent: Tuesday, April 21, 2009 10:02 AM
To: Mike Kelly; Wallace Reed; Jeremy Meyers; Barb Kelly
Cc: Jeff Gaura; Dan Whitt
Subject: Cheokee County Schools Project

We have been approved from Cherokee County Schools to start the IP Telephony and Network Upgrade project. 486's were submitted yesterday and I will be doing invoicing in the next three days.

Address/phone number

Cherokee County Schools
234 High School Circle
Murphy NC 28905
828-837-4950
jeana.hardin@cherokee.k12.nc.us

The project name for the schools are

CCS-08-Murphy High School (REV)
CCS-08-Murphy Middle School (REV)
CCS-08-Murphy Elementary (REV)
CCS-08-Ranger Elementary (REV)
CCS-08-Martin's Creek Elementary (REV)
CCS-08-Marble Elementary (REV)
CCS-08-Hiwassee Dam School (REV)
CCS-08-Andrews High School (REV)
CCS-08-Andrews Middle School (REV)
CCS-08-Andrews Elementary Schools (REV)
CCS-08-Cherokee County School District (REV)
CCS-08-Network Operation Center (REV)
CCS-08-Smartnet (REV)
CCS-08-Yearly Basic Maintenance

SOW-CCS-08-district wide and Visio will come from Jeremy

Brief Description of project:

PNC will start at the NOC at CCS's where they will install Call Managers, servers, switches, and routers. At the same time we will start Basic Maintenance, and begin cleaning closets up, labeling and testing on wiring.

Request start date:

We have been informed that we should be able to start within 30 days. I have set a date as of June 1, 2009 to start the installation at the NOC. Jeana informed me that we might be able to start sooner depending on the evaluation that she is doing with her staff. We will still need to set a date for the charter meeting and to introduce PNC.

Technologies involved: Installation of Call Manager, HP Servers, switches, and routers, there will be some wireless access points installed at different locations. All schools will get HP servers, or Dell Servers as requested by the NOC. There will be 7961's, 7911, and 7936 conference phones installed at each school.

Parts have not been ordered yet. This will come after invoices have been submitted and USAC sends out checks for each FRN.

Jeremy will be handling hand off meeting.

Thanks to everyone for making this project happen.

Exhibit 2

From: Hardin, Jeana [mailto:jeana.hardin@cherokee.k12.nc.us]

Sent: Wednesday, May 06, 2009 6:08 PM

To: Phillip Colvard

Subject: Re: CCS project

Hey phillip,

I wish we were looking at the wrong numbers. We actually had the surveys themselves and the spreadsheets used to tabulate the surveys out with the audit guy. We were unable to explain any method of reaching 90 percent and some of the schools didn't even have enough surveys to represent 50 percent of the population. But, we still have some anomalies to work through like identifying surveys that did not list children and tracking which school to list that survey with...we might still come out okay...the important thing is that we give honest diligence to finding the truth. It all comes out in the end. You and tim were texting my old phone...didn't see it til next morning. Hope tampa was fun.

I'll be in touch and I just might give doris a call. Send me her number when you get a chance.

Jeana

From: Phillip Colvard

To: Hardin, Jeana

Sent: Wed May 06 17:55:14 2009

Subject: CCS project

Hey Jeana,

I don't mean to bother you. I am sorry for all the crap you are going through. There isn't much we can help with on this one. I did want to tell you that if you need some good advice or help I can give you Doris's number. She would keep quiet and help in any way she could. She is very good with eRate and a very good friend to me. She has offered to help Anthony more than ones. Make sure that the state audit was not looking at the school food discounts numbers instead of the discounted numbers. I may not know what I am talking about. Anyway I am here for you if you need anything. Tim and I tried to contact you from Tampa Monday night.

Take care!!!!

Phillip Colvard

Professional Network Consultants

980-297-7145

704-609-1324 Cell

phillip@professionalnetworks.com<mailto:wphillip@professionalnetworks.com>

www.professionalnetworks.com<http://www.professionalnetworks.com/>

1/21/2010

Exhibit 3

From: Hardin, Jeana <jeana.hardin@cherokee.k12.nc.us>
Sent: Monday, May 25, 2009 11:52 PM
To: Phillip Colvard <phillip@professionalnetworks.com>
Subject: Re: Charter

Ur up too late. Go to bed. Yes to everything u asked...

Jeana

From: Phillip Colvard
To: Hardin, Jeana
Sent: Mon May 25 23:46:56 2009
Subject: Charter
Jeana,

Can we come and do the charter meeting one day this week? We need to get our scheduling straight for June and etc. Plus V needs to come out and make sure that you are getting your equipment. He will need to do a check list.

Thanks!

Phillip Colvard
Professional Network Consultants
980-297-7145
704-609-1324 Cell
phillip@professionalnetworks.com<<mailto:wphillip@professionalnetworks.com>>
www.professionalnetworks.com<<http://www.professionalnetworks.com/>>

Integrating, voicc, video and data into a single resilient, reliable network

All email correspondence to and from this address is subject to the North Carolina Public Records Law, which may result in monitoring and disclosure to third parties, including law enforcement.

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Request for Review of the)	CC Docket No. 02-6
)	CC Docket No. 96-45
Decision of the)	
Universal Service Administrative Company)	File No. _____
)	
By)	
)	
Cherokee County School District)	
)	

AFFIDAVIT OF ANTHONY MARTIN

1. My name is Anthony Martin. I have the capacity to provide this Affidavit and am over the age of 21 and under no disability. I am a citizen and resident of Cherokee County, North Carolina.

2. From January 2007 until July 1, 2009, I was employed by Cherokee County Schools (CCS) in Cherokee County, North Carolina. I was originally hired as a Wide Area Network (WAN) engineer. Although not part of my original job duties, I was given responsibility for working on requests by CCS for funding under the federal Schools and Libraries program (the E-Rate program). While employed by CCS, I prepared requests for discounts under the E-Rate program for two funding years -- Year 11 (2008-2009) and Year 12 (2009-2010).

3. During my employment with CCS, I received training about the requirements of the E-Rate program. The training was sponsored by the North Carolina Department of Public Instruction ("DPI") with the State's hired consultant, Greg

Wisinger with E-Rate Central. When I had questions about various E-Rate issues, I also consulted with other personnel in the North Carolina school system as well as personnel with DPI who were more knowledgeable and experienced with E-Rate matters.

4. While employed by CCS, I worked with employees of Professional Network Consultants (PNC), which was a vendor providing technical services to the school system. PNC also submitted bids to provide internal connections and basic maintenance of internal connections to CCS in response to Form 470s that I filed for Year 11 and Year 12 with the Universal Service Administrative Company (USAC). I did not rely upon PNC for any E-rate advice or direction.

5. Consistent with USAC rules, no service provider that participated in the competitive bidding process as a bidder was involved in the preparation or certification of CCS's Form 470. In particular, no one employed by or affiliated with PNC was involved in the preparation or certification of the Form 470 for either Year 11 or Year 12. I prepared the Form 470 on behalf of CCS for both years without any input, review, or participation by PNC.

6. In its Request for Review (p.4), CCS claims that I received assistance from Mr. Phillip Colvard of PNC "during the actual completion of the Form 470 online." This claim is untrue. I never asked Mr. Colvard for and he never provided any assistance to me in preparing the Form 470. On January 3, 2008, I asked Mr. Colvard for the telephone number of Doris Sparks, who was the Director of Technology for the Mitchell County, North Carolina school system. Ms. Sparks is very experienced on E-rate matters and was a resource (consistent with paragraph 3 above) for me when I had questions

about the E-rate program. However, I could not find Ms. Sparks' telephone number on January 3, 2008 and thought Mr. Colvard might have it handy. As a professional courtesy, Mr. Colvard provided me with Ms. Sparks' telephone number. I do not recall why I wanted to speak with Ms. Sparks on January 3, 2008, but I believe I wanted to find out whether Ms. Sparks was having the same trouble accessing the USAC website that I was experiencing.

7. After submitting the Form 470, CCS waited the requisite 28 days before selecting a vendor and, in doing so, evaluated and considered the bids, with price as the primary factor. In Year 11, PNC was the only entity that submitted a bid to provide internal connections and basic maintenance of internal connections. In Year 12, CCS received bids to provide internal connections and basic maintenance of internal connections from PNC and another provider, and I was part of a team of CCS Technology Department employees that evaluated these two bids. PNC was selected to provide internal connections and basic maintenance services to CCS consistent with a competitive bidding process conducted in accordance with USAC rules.

8. After submitting the Form 470 and selecting the vendor, CCS calculated the discount that it was eligible to receive. The primary measure for determining E-rate discounts is the percentage of students eligible for free and reduced lunches under the National School Lunch Program (NSLP), calculated by individual school. USAC also permits other approaches to determining a school's discounts, including the use of a survey that provides the information necessary to measure need which can be used for two consecutive years.

9. CCS used this survey method in Years 11 and 12. I utilized the survey instrument provided by E-Rate Central and distributed it to the families of school students in the Cherokee County system. No one employed by or affiliated with PNC was involved in the preparation or distribution of these surveys or in the calculation of the discounts reflected on the Form 471s that I submitted to USAC. I prepared the Form 471 on behalf of CCS for both Year 11 and Year 12 without any input, review, or participation by PNC.

10. CCS claims in its Request for Review (p.4) that CCS used the survey method based on the “advice” of Mr. Colvard and that Mr. Colvard instructed “Cherokee employees on how to qualify for Priority II funding by using individual school surveys” This claim is untrue. It was my decision to use the survey method – a decision that I made without any advice or instruction from Mr. Colvard or anyone else at PNC.

11. Mr. Colvard would occasionally visit CCS. During one visit, I was trying to organize and file the surveys that had been returned by various schools, and Mr. Colvard offered to help. Jeana Hardin, who is the Director of Instructional Technology and Public Relations at CCS and who was present at the time, stated that it would not look good for Mr. Colvard to help with this effort. Mr. Colvard promptly stopped putting the surveys in numerical order and left the room. Although I do not recall the specific date of this incident, I am confident that it occurred after the Form 470 had been filed with USAC and PNC had been selected to provide internal connections and basic maintenance services in Year 12. I thought then and now that Mr. Colvard was merely trying to be helpful in organizing and filing the surveys, and Mr. Colvard’s activities had no impact on the calculation of the discounts claimed by CCS. Contrary to CCS’s claim

in its Request for Review (p.5), Mr. Colvard did not “assist[] with the tabulation of the surveys.”

12. CCS completed successfully the Program Integrity Assurance program and selective review process through the Schools and Libraries Division for Year 10 (for school year 2007-2008) and Year 11, and CCS was approved for funding. On or about March 19, 2009, USAC approved CCS’s application for E-Rate funding for Year 12, except for its request for funding for telecommunications services.

13. On or about April 20, 2009, I filed Form 486 on behalf of CCS. In its Request for Review (p.6), CCS claims that Form 486 was filed “based solely” upon: (i) a representation by Mr. Colvard that telephone service at Mountain Youth and Peachtree schools “would be turned off if a Form 486 was not filed”; and (ii) “the assurance from Mr. Colvard that PNC would take no action on the rest of the project until Cherokee could verify its discount level.” This claim is untrue.

14. I was the person who filed the Form 486 on behalf of CCS. When I filed the Form 486 on or about April 20, 2009, I was unaware of any alleged threat by PNC to discontinue telephone service at Mountain Youth and Peachtree schools or of any alleged agreement by PNC to delay work on the project until CCS’s discount level could be verified. In their affidavits, both Ms. Hardin (¶¶ 15-19) and Terelle Beaver (¶¶ 14-18) reference a meeting on April 16, 2009 when these issues were allegedly discussed. I was not invited to and did not attend this meeting. However, neither Ms. Hardin nor Ms. Beaver ever told me about any threat by PNC to discontinue telephone service or any agreement by PNC to delay the project. I was never provided with a copy of and have

never seen any letter, email, or other written documentation of such a threat or agreement prior to my filing the Form 486.

15. Ms. Beaver states (§ 19) that “Cherokee filed a Form 486 on April 20, 2009, based on PNC’s representations at the April 16, 2009 meeting.” But this statement ignores that I filed the Form 486, and I had no knowledge of the meeting on April 16, 2009 or any representations made by PNC during that meeting. In fact, the first I became aware of PNC’s alleged threat to discontinue telephone service and PNC’s alleged agreement to delay the project was when I read CCS’s Request for Review and supporting documents in April 2010.

16. At the time I submitted the Form 486, I believed that all of the statements of fact in that document were true to the best of my knowledge, information, and belief, and I provided a certification to that effect. Specifically, it was my understanding that PNC and CCS had signed a contract to provide the services listed on the Form 486, that PNC planned to provide those services, and that I was authorized to submit the Form 486 on behalf of CCS.

17. Had I been aware of an agreement by PNC to “hold off” on providing services listed on the Form 486 “until Cherokee could verify its discount rate,” as Ms. Hardin asserts in her Affidavit (§ 16), I would not have submitted the Form 486 because I would have been concerned about the accuracy of the required certification. Likewise, Ms. Beaver claims in her Affidavit (§ 13) that the contract between PNC and CCS was not finalized “until late May 2008,” although neither Ms. Beaver nor anyone else at CCS told me about issues with the contract. Had I been aware of such issues, I would not have

submitted the Form 486 because I would not certify falsely that there was a signed contract for the services listed if that was not the case.

18. In its Request for Review (p.5), CCS claims that Ms. Hardin “voiced her concern over Cherokee’s ability to qualify for the 90% discount rate” at a meeting with Jeff Gaura of PNC on February 24, 2009. I was not asked to and did not attend this meeting. However, Ms. Hardin never shared such concerns with me at the time. Nor did CCS withhold “submission of the Form 486 until it could validate its discount percentage,” as CCS alleges in its Request for Review (p.14).

19. I was not made aware of any issues with either the survey method that CCS used or the discount claimed by CCS until April 2009, when DPI was asked to conduct an audit. After USAC denied CCS’s application for E-Rate funding in Year 12 for telecommunications services, Ms. Hardin prepared an appeal of that decision to the FCC with the help of DPI. In helping to prepare this appeal, it is my understanding that DPI identified certain discrepancies in the calculation of the discounts claimed by CCS. At the request, of Ms. Hardin in April 2009, DPI conducted an audit to identify the scope of the problem.

20. On April 27, 2009, DPI representatives visited CCS for three days to review the methodology employed in calculating the discounts for CCS. I met with the representatives of DPI during this review, and, on April 29, 2009, I was told, after Ms. Hardin and DPI’s Barry Pace returned from an hour lunch break, that there were problems with the survey method used by CCS and that, in DPI’s opinion, CCS was not

entitled to the discounts it had claimed on Form 471. I was not given a copy of DPI's written audit results, which went to Ms. Hardin.

21. Throughout May 2009, PNC's vendors delivered equipment that CCS had ordered consistent with the funding requests approved by USAC. I fully expected these deliveries when the equipment arrived at CCS. I accepted delivery of some of this equipment myself and signed forms acknowledging that the equipment had been delivered. If PNC had agreed to "not move forward with the project until questions regarding the discount were answered," as Ms. Hardin claims in her affidavit (§ 20), I do not understand why I was never instructed by Ms. Hardin or anyone else at CCS to refuse delivery of the equipment or to return the equipment to PNC. And, when I told Ms. Hardin and others at CCS about the equipment deliveries in May 2009, no one acted surprised or "alarmed."

22. In his affidavit (§ 7), Dr. Stephen Lane, CCS Superintendent, claims that I was terminated, "in large part" because I "was not qualified to administer the E-rate program and apparently relied upon Phillip Colvard, a regional sales representative of PNC, for assistance." However, when he terminated my employment contract with CCS by letter dated June 1, 2009, Dr. Lane indicated that he was doing so because of a "reduction in force." A copy of Dr. Lane's June 1, 2009 letter is attached as Exhibit I.

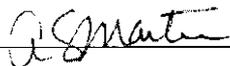
23. Dr. Lane also claims (§ 18) that I allegedly told him that I "did not know why PNC thought its delivery of equipment was authorized" and that it was my "understanding that we needed to prepare a requisition for any equipment delivery to authorize." These claims are untrue. I understood that the equipment had been authorized

because it was ordered by CCS consistent with the funding requests approved by USAC. That is the reason I accepted delivery of some the equipment and why none of the equipment was ever refused or returned.

24. Equally untrue is Dr. Lane's claim (§ 19) that I allegedly told him that I was "contacted by Bennett Ross, who represented himself to be 'an FCC attorney'" and that "Mr. Ross never stated that he represented PNC." Although I met with Dr. Lane at his request on March 30, 2010, Dr. Lane apparently misunderstood what I had told him. When I was first contacted by Mr. Ross in February 2010, he identified himself as an attorney for PNC, and his emails indicated that he was an attorney with Wiley Rein, which I understood to be the law firm representing PNC. Mr. Ross never told me that he was an attorney for the FCC.

25. Finally, the suggestion in CCS's Request for Review (p.12) that I had sole responsibility for administering Cherokee County School's E-rate program is inaccurate. Effective January 10, 2008, Ms. Hardin was named to her current position, which gave her ultimate responsibility for technology in the school system, including E-rate. Ms. Hardin had an office at the NOC, reviewed and signed documents that I prepared, and was very involved in decisions relating to the E-rate program at CCS.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.



Anthony Martin

Date: May 02, 2010

Exhibit 1

Board of Education

Randy Barnett
Chairman
Winfield L. Clonts
Vice Chairman
Debbie Hogan
Scribe
Dr. David Ackerman
Wanda W. Arrowood
Erik C. Brinke
Randal H. Shields

Cherokee County Schools

Dr. Stephen E. Lane, Superintendent
911 Andrews Road • Murphy, NC 28906
(828) 837-2722 • Fax (828) 837-5799
www.cherokee.k12.nc.us

June 1, 2009

Mr. Anthony Martin
P.O. Box 917
Marble, NC 28905

Dear Mr. Martin:

It is with regret that I inform you that your contract is being terminated, effective June 30, 2009, pursuant to Board Policy 7120, Classified Personnel Reduction. This reduction in force is occurring due to the expected decrease of funds from the county and State governments.

Under the terms of your contract, the District may dismiss you for any legal reason and a reduction in force is a legitimate and legal reason for contract termination. Under Policy 7120, I must consider several factors when determining which employees will be reduced. The primary factor is job performance as indicated on formal evaluations and other documentation.

As you know, you have had several problems appropriately carrying out your duties as a WAN Engineer. The deficiencies include, but are not limited to, the following:

- 1) Jeopardizing the school district's eRate funding as well as an eRate reimbursement for our recent telecommunication purchases;
- 2) Not being fully prepared for an audit of district network services;
- 3) Failure to enhance the levels of connectivity to our schools;
- 4) Failure to assist with staff development;
- 5) Unable to work efficiently with other employees; and
- 6) Failure to implement the Blackberry Exchange Server in a timely manner.
- 7) Failure to document the network and maintain appropriate logs.

Furthermore, your performance evaluation this year was "Below Standard."

Mr. Martin, it appears that you are either not qualified for this position or that you take no interest in fulfilling the position's required tasks. For these reasons, it is in the best interest of the district and the students that I terminate your contract.

Because of the sensitive nature of your job, it is also in the best interest of the school district that I place you on administrative leave with pay effective

immediately. You will remain on leave until your contract terminates on June 30, 2009. During this period, you will receive your full salary and benefits. If you have any questions about the continuation of your benefits, you may contact Ellarce Clonts.

You will immediately need to turn over all passwords, login information and any other sensitive information (whether on paper or in electronic format) to your supervisor. I will expect that you turn over all school district property in which you may have at home no later than 5:00 p.m. on June 2, 2009. Without permission from your supervisor or me, you are not to be on any property owned or operated by the Cherokee County Schools. If you need to communicate with the district, you may do so through your direct supervisor or me.

I hope that over the next 30 days while you are on leave you are able to find other employment.

Sincerely,


Stephen E. Lane, Ed.D.
Superintendent

Cc: Jodi Alverson, Assistant Superintendent
Terelle Beaver, Chief Finance Officer
Jeana Hardin, Director of Technology

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Request for Review of the)	CC Docket No. 02-6
)	CC Docket No. 96-45
Decision of the)	
Universal Service Administrative Company)	File No. _____
)	
By)	
)	
Cherokee County School District)	
)	

AFFIDAVIT OF DAN WHITT

1. My name is Dan Whitt. I have the capacity to provide this Affidavit and am over the age of 21 and under no disability. I am a citizen and a resident of Union County, North Carolina.

2. I am the Sales Manager at Professional Network Consultants (PNC). I began working at PNC in 1999 as a Sales Associate and was promoted to my current position in 2002. I have an extensive background working with computer systems, network integration and systems integration. In the Request for Review and in the Affidavits of Terelle Beaver and Jeana Hardin, my title is incorrectly identified as Chief Financial Officer.

3. I attended a meeting with CCS on April 16, 2009. In attendance from PNC were Phillip Colvard, Jeremy Meyers, and me. Ms. Hardin and Ms. Beaver attended from CCS. The April 16 meeting was a "kick off" meeting to review the

specifics of the CCS E-Rate project. During the meeting, I personally reviewed all the costs associated with this project. Ms. Hardin and Ms. Beaver said they wanted June 1, 2009 to be the start date for the project. According to Ms. Hardin, she chose the June 1 start date to give her time to evaluate her staff before PNC began work. Mr. Colvard and I both explained that CCS would need to submit the Form 486 within the next few days so that PNC could begin to order the equipment if PNC was going to be able to meet the June 1, 2009 start date. I explained that some of the equipment would be shipped directly from Cisco to CCS and asked Ms. Hardin if there was sufficient space at the Network Operations Center (NOC) to store the equipment when it arrived. Ms. Hardin said that this would not be a problem, as there was plenty of space. Both Mr. Colvard and I clearly communicated to Ms. Hardin and Ms. Beaver that PNC planned to begin ordering equipment as soon as the Form 486 was filed.

4. Contrary to Ms. Hardin's statement in her Affidavit (¶16), at no time during the April 16, 2009 meeting did Ms. Hardin or Ms. Beaver mention a problem with CCS's discount rate, ask PNC to "hold off" on ordering equipment, or ask PNC to wait to draw down funds from USAC.

5. In their affidavits Ms. Hardin (¶¶15-19) and Ms. Beaver (¶¶14-18) allege that Mr. Colvard threatened that phone service would be disconnected at Peachtree and Mountain Youth schools if CCS delayed filing the Form 486 and that he agreed to delay work on the project until CCS's discount level could be verified. These allegations are not true. Neither Mr. Colvard nor any other PNC employee threatened to discontinue phone service, nor did we agree to delay the project.