



PRIVILEGED AND CONFIDENTIAL

DCI GROUP INVESTIGATION REPORT

May 1, 2025

TO: Life Chiropractic College West
Joel Siegal, Esq.

FR: Staci Dresher, Esq.

RE: Life Chiropractic College West Workplace Investigation

On August 12, 2024, counsel representing Life Chiropractic College West (“Life West” or the “College”) retained Staci Dresher of DCI Group P.C. (hereinafter “Dresher” or “Investigator”)¹ to conduct a prompt, impartial, and thorough investigation of allegations of financial malfeasance and breach of fiduciary duties against members of the Life West Board of Regents.

Once the scope of the investigation was determined and agreed upon, Dresher operated with complete autonomy and independence as to witness identification, interview content, and preparation of findings. Life West and its outside counsel did not influence the investigation or attempt to intervene with the findings.

This is a confidential investigation report. It contains detailed information, witness accounts, relevant documentation, analyses, and findings related to the allegations. It is anticipated that this report will be maintained confidentially by the decision-makers and will not be disseminated except as required by law or determined prudent by the decision makers.

¹ Staci Dresher is licensed to practice law in the State of California and has an active private investigator license in California.

BACKGROUND

Life Chiropractic College West (“Life West” or the “College”) is a private, nonprofit chiropractic college located in Hayward, California. Life West currently has 501(c)(3) tax-exempt status designation, and is accredited by the WASC Senior College and University Commission (“WSCUC”)².

Scott Turner (“Turner”), a former member of the Life West Board of Regents, and current Life West President Dr. Ronald Oberstein (“Oberstein”) individually filed whistleblower complaints with WSCUC, alleging that the members of the Board of Regents, specifically Dr. Amit “Jimmy” Nanda, Chair of the Board, and Dr. Niraj Patel, have violated Life West bylaws, misused Life West’s funds, and breached their fiduciary duties.

The allegations made against Drs. Nanda and Patel were detailed in a July 2, 2024 draft complaint (hereinafter, the “Draft Complaint”) prepared by Life West’s external staff counsel, Joel H. Siegal (Exhibit 1), and in several letters from Siegal to the Board of Regents (see Exhibits 2, 3, 21 and 22).

In addition to relevant U.S. federal and California laws and regulations, the following Life West documents govern the Board of Regents’ operations:

- Life West Bylaws, most recently updated on June 10, 2022 (Exhibit 7)
- Recent Bylaws and policies addendums from Board meeting minutes, 2019 to 2022 (Exhibit 9)
- Articles of Incorporation (restated) filed with the California Secretary of State, dated January 31, 2014 (Exhibit 10)
- Board of Regents Policies and Procedures Manuals – BR-1, updated May 10, 2013 through BR-3.03, updated October 13, 2016 (Exhibit 8)

² WSCUC is part of WASC (Western Association of Schools and Colleges) and witnesses and experts sometimes used WASC and WSCUS interchangeably.



WITNESSES AND DOCUMENTS

Witnesses Interviewed

For this investigation, Investigator conducted interviews with the following individuals between August 27 and January 9, 2025. The interviews were conducted by video conference from Dresher's office in Marin County, California.³

Witness Name	Title(s)	Date(s) of Interview
Dr. Ronald Oberstein	President, Life West	September 9, 2024 & March 25, 2025
Maria Perry	CFO, Life West	September 5, 2024
Scott Turner	Former Member, Board of Regents, Life West	August 27, 2024
Mark Kimes	Former Member, Board of Regents, Life West	September 24, 2024
Michael Hurschmann	Board of Regents historian, OAA Office Manager, former Board Assistant	January 9, 2025

Investigator requested to interview Life West Board of Regents members Steven Silk, Jimmy Nanda, Niraj Patel, Edward Sordillo, and Cameron Hastings by emails sent on September 24, October 16, and December 11, 2024. Dresher did not receive a response to these emails. Other than a brief conversation with Nanda and Life West external attorney Natasha Baker⁴ on January 10, 2025, Investigator did not interview or otherwise converse with Nanda or the other Regents. During this conversation, Nanda and Baker communicated that the Board had not authorized this investigation.

³ Investigator communicated with witnesses via video conference and did not record (audio or video) the interviews and confirmed with each witness that they also did not record them. Investigator read the same admissions to each witness at the start of the interview. Based on the sensitive and private nature of the investigation, Investigator admonished the witnesses to keep the contents of the interview and nature of the investigation confidential during the course of the investigation.

⁴ Natasha Baker often provided legal counsel to the Board of Regents. However, Baker wrote in a May 21, 2024 email to Oberstein, Siegal, Nanda and Patel that her legal "obligation is to the organization, not individuals, not to the board" (Exhibit 31).



Relevant Documentary Evidence

The following documents and communications were reviewed by Investigator in the course of the investigation:

No.	Exhibit
1	July 2, 2024 Draft Complaint for Breach of Fiduciary Duty and Declaratory Relief (<i>Turner, et. al. v. Dr. Nanda, et. al.</i>)
2	February 3, 2024 letter from Joel Siegal to Life West Board of Regents regarding <i>Turner, et al. v. Dr. Nanda, et. al.</i> Draft Complaint
3	June 20, 2024 letter from Joel Siegal to Life West Board of Regents, Natasha Baker, Dr. Ron Oberstein, “Re: Phone Conversation with Natasha Baker on March 15, 2024”
4	June 20, 2024 letter from David A. Levitt, principal of Adler & Colvin, to Joel H. Siegal as Counsel for Life West, “Re: Board Governance Concerns”
5	June 26, 2024 Memorandum from Teri Cannon, Higher Education Consultant, to Joel Siegal, Counsel for Life West, “Re: Board Actions under WASC Standards and Policy”
6	March – May 2024 Board emails and meeting minutes, Re: Special executive meeting executive session; Undated Document prepared by Scott Turner, “Minutes or motion altered by Chair or Governance”
7	Bylaws of Life Chiropractic College West, updated June 10, 2022
8	Board Regents Policy and Procedures Manual, updated May 10, 2013 through BR-3.03, updated October 13, 2016
9	Recent Bylaws and addendums from Board meeting minutes, 2019 to 2022
10	Articles of Incorporation (restated) filed with the California Secretary of State, dated January 31, 2014
11	October 2020 Board of Regents Term Limits Vote and related emails
12	Dr. Nanda AMEX credit card spending reports for 2023 and 2024
13	Dr. Nanda AMEX credit card detailed statements 2021 to 2024
14	September 22, 2024 email from Oberstein to Board of Regents “WASC Meeting and Internal Investigation”
15	March 14, 2023 email from Ochoa-Rea to Hurschmann “India Travel Expenses”
16	July 14, 2023 email from Hurschmann to Maria Perry, “Conflict of Interest Form–Ochoa Rea”
17	July 12, 2024 email from Oberstein to Board, “Legal info I recieved [sic] this week”
18	January 17, 2025 LCCW Response to WSCUC Letter “Re: WSCUC Correspondence dated November 20, 2024, and December 4, 2024”



19	2020 to 2023 AMEX expenses and related emails , “Chiro Europe Flights,” regarding costs for Regents’ spouse and significant others’ travel reimbursements
20	December 6, 2023 emails between Hurschmann and Nanda, “Dr. Silk’s WAVE and Board meeting Expenses Plus Honorarium”
21	March 19, 2024 letter from Joel Siegal to Board of Regents, “Re: Phone conversation with Natasha Baker on March 15, 2024
22	July 1, 2024 letter from Joel Siegal to Board of Regents, “Re: Unethical Behavior from Board Members of LCCW”
23	January 31 – February 8, 2024 emails between Oberstein, Patel and other Regents, “Governance Meeting”
24	January 14 - 18, 2024 emails between Oberstein Patel, and Nanda, Turner, and Perry, “Niraj India”
25	June 14 – 15, 2023 emails between Hurschmann, Perry and Oberstein “Conflict of Interest Form – Dr. Ochoa-Rea” (includes Ochoa-Rea’s 2017 Conflict of Interest Form)
26	October 24, 2023 emails between Nanda, Hurschmann, Sharon Thompson and Oberstein, “Lccw logo”
27	September 29 – 30, 2023 emails between Patel and Nanda, “New Campus”
28	March 27, 2024 minutes of Board Executive session
29	December 19 – 23, 2023 emails between Oberstein, Perry, Hurschman, “Flight to India, January 2024 niraj patel”
30	February 8, 2024 email from Nanda to Regents, Oberstein, Perry “Board expenses update”
31	May 21, 2024 Email from Baker to Oberstein, Siegal, Nanda and Patel, “LCCW Allegations”
32	Board of Regent Meeting Minutes for March 21, 2023, April 28, 2023 and June 6, 2023

Additional Workplace Investigation

In mid-2024, the Regents engaged the law firm of Saul Ewing LLP to conduct a workplace investigation into the allegations detailed in the Draft Complaint, as well as purported allegations made against Oberstein. As of the date of this report, Oberstein and Life West attorney Siegal have not been provided with a copy of the engagement agreement with Saul Ewing. Investigator has not had any communications with the attorneys at Saul Ewing, other than copying two of their attorneys on the September 24, October 16, and December 11, 2024 emails requesting interviews with the Regents.



ALLEGATIONS BY COMPLAINANTS

This investigation focuses on allegations made by former Life West Regent Scott Turner and current Life West President Dr. Ronald Oberstein, who filed complaints with WSCUC. Their allegations have been detailed in a Draft Complaint prepared by Life West's external legal counsel, Joel Siegal (see Exhibit 1).

Allegations in Draft Complaint

The Draft Complaint identifies the defendants as Dr. Nanda ("Nanda"), in his capacity as Chair of the Board of Regents, and Dr. Patel ("Patel"), in his capacity as a member of the Board of Regents. The allegations in the Draft Complaint concern Nanda and Patel's "unusual and unsubstantiated spending" and a "pattern of misuse of money and a breach of fiduciary duties."

The allegations include the following claims, which are discussed in this report:

- Nanda misused his Life West credit card to purchase personal entertainment, travel, personal transportation, and contributions to personal agencies without college or board approval. He also used the credit card to pay for a personal trip to Africa, which was repaid 11 months later following multiple efforts to recoup the money.
- Nanda refused to complete his annual conflict of interest declaration form, and permitted, in his role as Chair of the Board, for Ochoa-Reas to use the term "same as last year" on his form without specifying what the conflict was.
- Nanda authorized Life West Board meetings in Spain and Las Vegas, and approved paying for spouses and partners to attend. Nanda further authorized members of the Board to fly business class on overseas flights.
- In December 2020, Nanda alleged to have obtained approval from legal⁵ to subtract all the years served by the then-current Regents and restart the clock for their term limit in January 2021. (Term limits are a total of nine years consisting of three, three-year terms.) This prevented Nanda and the other Regents from terming out due to years of service.
- Nanda authorized hiring Cameron Hastings as a consultant to work for the Board. Hastings took a leave of absence from his role as a member of the Board prior to being engaged as a consultant. Life West paid Hastings \$150,000 per year, plus expenses for

⁵ Nanda and Patel referenced in writing and conversations that they obtained approval from "legal," which is understood to be a reference to their communications with external counsel, Natasha Baker. As Baker's communications with Nanda and the other Regents were considered privileged and confidential, Investigator could not interview Baker to confirm these communications or the scope of legal advice she provided.



him and his wife. When the consulting agreement ended, Hastings was reinstated as a Regent.

- Nanda and Patel authorized changes to the Bylaws without following governance procedures to pay Board members \$1,000 for attending in-person Board meetings plus travel, and \$100 for attending the meetings virtually.
- The Board held excessive “emergency meetings” to target Scott Turner and remove his board position. Nanda and Patel further “consistently defamed” Turner by personally questioning his “mental health” and turning other Board members against him.
- Nanda called multiple Board meetings and Patel called multiple Governance Committee meetings and failed to advise or invite President Oberstein.

Expert Reports

The Draft Complaint included copies of reports from two experts in the higher education and legal fields, Teri Cannon, dated June 26, 2024 (Exhibit 5) and David Levitt of Alvin and Colvin, dated June 20, 2024 (Exhibit 4). Relevant details and conclusions in these reports are detailed below. It is important to note that neither Cannon nor Levitt interviewed the Regents before writing the reports.

Teri Cannon Report

Teri Cannon⁶ was engaged by Life West staff counsel to evaluate whether the Life West Board of Regents satisfied the requirements set forth in the Western Association of Schools and College (WASC) standards of accreditation.

In summary, Cannon found the Board of Regents was not in compliance with WASC Standard. Specifically, the Board of Regents did not comply with the standards and policies regarding the size, composition and expertise, diversity, conflicts of interest, compensation, delegation of authority to the President, fiduciary duties, and acting in the best interests of Life West. In Cannon’s professional opinion, WASC would likely take immediate action to investigate, which could lead to an Order to Show Cause why accreditation should not be withdrawn.

Cannon further wrote the Board had fallen below the minimum number of members (seven) required by Life West’s Articles of Incorporation, and may have at times fallen below the

⁶ Investigator did not interview Cannon, who has more than 40 years’ experience working in higher education and considered an expert in legal ethics. See <https://www.wscuc.org/team/teri-cannon/>



requirement of five (as noted in Bylaws).⁷ She added the Board of Regents had not changed substantially in recent years, nor appointed new members that would diversify and/or add to the Board's expertise. Moreover, no women have been added; no people with higher education backgrounds or financial expertise have been added. She also acknowledged that the Board removed the sole member with financial expertise, Scott Turner.

Cannon recommended immediate action by the Board of Regents, including resignations by members who are past their term limits (as set forth in the Bylaws), and resignations by members who have violated law, policies, and standards. "The Board should be re-populated immediately with a sufficient number of qualified and diverse members who can act on an independent investigation and take whatever further actions are necessary to restore the integrity of board governance." Cannon added that if such actions were not taken, Life West's President should inform WASC.

Cannon further wrote that in March 2023, the WASC Commission issued a letter granting reaccreditation to Life West. Among the several issues that Life West was charged to work on and address with WASC was "to build the capacity and engagement of the Board by ...strengthening Board training while expanding governance capacity, including recruiting additional Board members with higher education and other relevant expertise." The Commission called for an Interim Report in November 2024 and a Special Visit in the Fall 2026, at which time Life West must address these board-related concerns.

David Levitt Report

David Levitt⁸ of Alder & Colvin submitted findings based on his interviews of "two potential whistleblowers,"⁹ and his review of a letter to the Board summarizing a discussion the Board members had with Life West's external counsel Natasha Baker.¹⁰ Levitt flagged that the activities described in this letter could expose the individual Regents to liability, including IRS excise taxes, as well as put the college at risk of an investigation or audit by the California Attorney General, IRS, WASC and/or WASC Senior College and University Commission (WSCUC).

Levitt further identified the following issues and allegations against the Board of Regents, most which mirror the issues identified in Cannon's report:

⁷ At the time Cannon wrote the report, Life West's Board had five members.

⁸ Investigator did not interview David Levitt. Levitt is an attorney who specializes in advising nonprofit and tax-exempt organizations. See <https://www.adlercolvin.com/david-a-levitt>

⁹ The whistleblowers were not identified in Levitt's report, but they are known to be Scott Turner and Dr. Ronald Oberstein.

¹⁰ The date of the letter was not referenced, but it was confirmed to be Siegal's letter dated June 20, 2024 (see Exhibit 3).



- Regents' use of a Life West credit card for personal expenses and unauthorized travel.
- Travel to board meetings outside of California—including to Spain and Las Vegas—paid for by Life West, which included expenses of spouses and significant others. Regents are not expected to be compensated for their role on the board, but “reasonable, modest” stipends are permitted. Using the college’s funds to fund trips to Las Vegas and Spain “cannot be considered reasonable.”
- Compensation of Regents in violation of Life West bylaws.
- Mismanagement of the annual budget.
- Engaging a former Regent [Hastings] as a consultant without properly addressing potential conflicts of interest or vetting compensation.
- Regents exceeding Board term limits in violation of the Life West bylaws.
- Regents' failure to annually disclose conflicts of interest.

Levitt further wrote that the Board of Regents is expected to be diverse in terms of members' backgrounds, knowledge and skills, as well as be large enough for sufficient members to manage various committees, which was also mentioned in Cannon's report. At the time of Levitt's report, the Board of Regents had five members, all men, and the majority were chiropractors. He noted that WSCUC policy states that a five-member board is too small.

Levitt also wrote that the whistleblowers said they convened Board meetings without informing the President and did not invite the President to governance and other committee meetings, which is in direct violation of WSCUC policy.

Levitt consulted with a reputable high education regulatory attorney, Katherine Lee Carey of Cooley LLP,¹¹ and she provided additional analysis involving WSCUC accreditation. Specifically, she wrote that in March 2023, WSCUC identified the Board's “lack of diverse backgrounds and governance capacity,” and the Board failed to recruit new or diverse members the following year. She also wrote that not notifying Oberstein prior to Board meetings was a “direct violation of WSCUC policy.”

¹¹ According to her profile on the Cooley LLP website, Carey's practice “focuses on the legal, accreditation, administrative and regulatory aspects of regionally and nationally accredited higher education institutions . . .” <https://www.cooley.com/people/katherine-lee-carey>



Statement by Dr. Ron Oberstein

Oberstein obtained a Doctor of Chiropractic Degree from Life Chiropractic College in Atlanta in 1981. Since 1986, Oberstein and his wife have had a private chiropractic clinic in San Diego, California. Oberstein served as a member of Life West' Board of Regents from 1991 to 2016, serving as the Chairman in the final few years.¹² In 2016, Oberstein stepped down as Chairman of the Board and became Interim President of Life West when the contract for the then-President of Life West was not renewed. Soon after, Oberstein became the full-time President of Life West. His contract as President is up for renewal in June 2025, and he does not plan to renew the contract.

Dr. Nanda joined Life West's Board of Regents in 2016, and he became the Board Chair in October 2016 when Oberstein stepped down to become Interim President. Oberstein's relationship with Nanda was "good" until about 1.5 years ago, in late 2022/early 2023.

Term limits were introduced by a governance expert who was hired by the Board of Regents. The new term limits specifically required the Board to vote for a new Chair of the Board every two years. Oberstein highlighted that Nanda has been Chair of the board since October 2016, almost nine years.

Oberstein decided to be a whistleblower because he found the Board's spending patterns to be very concerning and Oberstein was unable to effect changes. For example, Nanda approved Board members' travel to India, which Oberstein thought the college should not reimburse. Oberstein also caught Nanda telling "lies all the time," and Nanda kept himself in power by "surrounding himself with yes people."

Oberstein detailed the following issues involving Dr. Nanda and how the Board violated many of its bylaws under Nanda's supervision and guidance. Oberstein has also contacted WASC and communicated these concerns:¹³

- The Board scheduled many special and emergency meetings and did not invite or notify Oberstein of the meetings. Many important decisions were made at these meetings without Oberstein's input and often against his wishes; Oberstein's views on the issues were often known to Nanda and the other Regents.
- The Board overstepped their authority to hire and fire the President and set policies. As such, the Board did not have authority to hire or terminate other Life West employees, including Cameron Hastings as a paid consultant to the Board.

¹² There were no term limits for Life West Board members at this time.

¹³ The concerns communicated to WASC were very similar to the ones outlined in the Draft Complaint at Exhibit 1.



- The Board members avoided the three-year, three-term limits outlined in the bylaws, and Nanda restarted the clock in January 2020 so they could serve another nine years.
- The Board spent the 2023 – 2024 fiscal year budget within the first six months. The overspending was the result of paying Hastings’ consultant fees and Nanda’s misuse of the Life West AMEX credit card.
- The Board’s membership and professional experience are not diverse. The last three members to be added are practicing chiropractors and men.

Board Scheduled Meetings and Did Not Invite or Notify Oberstein

The Board bylaws note the Life West President is an ex-officio member of the Board of Regents. Oberstein believes that as College President, he should be on every committee and attend (or at least be invited to) every Board and Committee meeting, unless the meeting is specifically discussing the President, or his contract with the College. Oberstein said he was not invited to many emergency (special) Board meetings; he would find out about them after the fact, sometimes weeks later. In a phone call with Nanda, Oberstein asked how he could hold the meetings without him, and Nanda responded that “legal” told him the Board could hold these meetings without him.

Board Overstepped Authority When Hired Regent Hastings as Paid Consultant

There were no notes or meeting minutes prepared during many of the Board or committee meetings. Oberstein would later find out about decisions made at Board meetings through discussions with one of the Board members. He believed the Board overstepped their limited authority, which is to hire and/or fire the President and set policies, and they do not have authority to hire or terminate other Life West employees or contractors.

Oberstein disagreed with the Board’s decision to hire Cameron Hastings as a well-paid consultant to help the College purchase a Phoenix, Arizona building for its new campus. Hastings was an active Regent when he stepped down from the Board to become a consultant with a \$150,000 annual salary. Oberstein found out while on a work trip in India that the Board approved a motion to hire Hastings and signed a contract with him. Oberstein thought it was a conflict of interest for a Board member to serve as a consultant to the Board when they have personal relationships with the other members.



Nanda Frequently Missed Weekly Meetings with Oberstein

Oberstein and Nanda were supposed to have weekly one-on-one meetings. He said Nanda attended maybe 20 percent of these meetings. Oberstein would call him at the scheduled time for their meeting – Nanda’s voicemail box would not be set up, be full, or the phone rang multiple times then disconnected. Then Oberstein would text Nanda to remind about their standing weekly meeting.¹⁴ Nanda often did not respond to Oberstein’s texts, or he would respond many hours or days later. Around January 2024, Oberstein stopped calling Nanda to attend their weekly meetings, and he communicated to Nanda that the window for their meeting remained open if Nanda wanted to connect.

Board Members Avoided Term Limits and Restarted Clock in January 2021

The Board skirted the College Bylaws, which set a maximum of three-year, three-term limits on the Board, a total of nine years. In December 2020, Nanda permitted himself and the other Regents to leave the board for “one second” on December 31, 2020, be reinstated in January 2021, and restart the clock for their term limits. Nanda told Oberstein that “legal” confirmed this was “okay.”

When Oberstein and Siegal spoke with Natasha Baker, Life West’s external counsel, on a subsequent call, they asked whether she approved the restart of the term limit clock. Oberstein recalled Baker saying, “No, they ask me something and I tell them X and they take it to a whole new level.”

Board Approved to Compensate Regents During Limited Executive Session

In October 2022, the Life West Board held a two-day Board meeting in Toronto, Canada, given three of the members resided in Canada and Canadian COVID-19 travel restrictions made it easier for U.S. nationals to travel to Canada. At one point during the meeting, the Board excused Oberstein to hold an executive session, where the Regents are supposed to solely discuss Oberstein’s role, contract and performance. During this limited executive session, the Board passed a new compensation policy to pay members \$1,000 for every in-person meeting and \$100 to attend meetings virtually. When Oberstein questioned Nanda about the new policy, Nanda told him the only way to get good people on the Board is to offer a stipend. Oberstein’s response to Nanda was that “we don’t want people [on the Board] who want to be paid.”

¹⁴ Oberstein shared screenshots of dozens of texts exchanged with Nanda between 2022 and 2023 demonstrating his efforts to connect with Nanda when Nanda did not attend their weekly standing meeting.



Board Overspent 2023 – 2024 Fiscal Budget; Nanda Misuse of Credit Card and Approval of Regents' International Trips

The Life West Board has an annual budget of approximately \$100,000. In the 2023 – 2024 fiscal year, the Board spent the entire annual budget within the first five months. Oberstein thought the overspending was the result of paying Cameron Hastings' consultant fees and Nanda's monthly expenditures of up to \$6,000 to \$8,000 on the Board's AMEX credit card. The Board requested a \$450,000 budget for the 2024 – 2025 fiscal year, which Oberstein thought was unreasonable for a six-person board.

Oberstein is supposed to approve Nanda's credit card expenditures. However, he stopped approving the credit card statements years ago because he "can't control [Nanda]." Oberstein admitted he was "guilty of not being able to restrain Nanda" and he should've taken the Board credit card away. There are no policies or guardrails on the Board Chair's use of the credit card, other than the Board's annual budget and the fiduciary duties owed to the College. Oberstein added that when he was Chairman of the Life West Board of Regents, he never used the credit card unless the College asked him to travel on its behalf.

An example of Nanda's unreasonable expenditure, according to Oberstein, was when Nanda charged his personal Chiropractic Association annual fees to the Life West Board credit card. Oberstein noted the College should not pay this fee, given Nanda was already a member of the Association before he joined the Board of Regents. Nanda also expensed many meals and taxi and Uber rides from his home town in Toronto and provided no receipts. Once Nanda took a flight to meet with a "stakeholder" in Canada and submitted his expenses, but he never notified or asked for Oberstein's approval or detailed who this person was.

After the CFO told the Board in December 2023 it had exceeded its annual budget, the Board held a subsequent meeting in Las Vegas, to coincide with a chiropractor conference the Regents attended. Oberstein, Turner (who was still a member at this time) and Life West's CFO Maria Perry argued against holding an in-person Board meeting in Las Vegas, noting that a virtual meeting would be sufficient. One of the Regents who resides in Ireland stayed in Las Vegas for seven nights, and his hotel bill was paid by Life West "unnecessarily." When Oberstein asked Nanda about this decision, Nanda told him the Governance Committee approved the trip. Oberstein had not been invited to this Governance meeting, nor to any Governance Committee meetings held the prior two years, and noted he was supposed to be invited.

Oberstein also referred to international trips that the Regents took with Nanda's approval and travel costs paid by Life West. For example, Nanda sent Board member Dr. Angel Ochoa-Rea to Australia for an event that Life West did not support, and this travel reimbursement did not seem appropriate to Oberstein.



Mistrusts of Nanda and Conflicts of Interest

Oberstein referenced several times when he caught Nanda telling a lie or manipulating the facts. For example, there are established procedures to invite a new member to the Board. When Patel was invited to join the Life West Board, Nanda told Oberstein and the other Regents that he did not know Patel well. However, Oberstein found out they sat on another board together, which had not been disclosed. Oberstein identified their prior relationship as a “huge conflict.”

In another example, Oberstein recalled Nanda obtained Oberstein’s permission for the college to co-sponsor a Diwali celebration event. Oberstein later found out the event was organized by Nanda’s next-door neighbor, and it was a big party and there was minimal recognition of Life West’s name; it was “a waste of time and money for the college.” The following year, Nanda used Life West funds to sponsor the same Diwali event without notifying or obtaining Oberstein’s approval. Oberstein only found out about the sponsorship after Nanda asked the Board of Regents secretary for Life West’s logo for the invite.

Statement by Scott Turner

Scott Turner is a CPA and owner of an accounting firm in Sonoma County, California. He joined the Board in 2013.¹⁵ Mark Kimes, a client of Turner’s and a Life West Regent at that time, had recommended Turner to the Board of Regents. About 1.5 years after joining the Board, Turner became chair of the Finance Committee. He held this role as well as started and chaired the Investment Subcommittee. Turner was voted off the Life West Board in May or June 2024 by the other Regents.

Turner sometimes “buted heads” with Nanda when he objected to something Nanda tried to push through. Otherwise, Turner generally supported Nanda’s authority as the Board Chair – but this changed around 2022. Turner realized Nanda controlled “all the decisions” and “nobody had an independent voice.” When Turner tried to express his objection, this would “upset Nanda.” Turner added that Nanda would “twist words” and “lied” to the other Regents to get his way.

Nanda did not regularly prepare agendas prior to the Board meetings, and he often scheduled emergency meetings without proper notice to the other Board members. Between November 2023 and May 2024, Nanda called “at least 15 emergency” Board meetings. Turner was not invited to some of these meetings and it was “clear” he was “excluded on purpose.”

¹⁵ Turner served on the Board from April 18, 2013 through July 3, 2024.



Around April 2023, following the Spring Board meeting, Turner told Nanda he would “try a restart” with him and follow Nanda’s lead. About a month later, Nanda “got worse,” because there were no other Board members “to stop him.” At this time, Nanda often told the other Regents that he “went to legal” (i.e. spoke with Life West’s external attorney Natasha Baker) to discuss an issue and obtained her approval. Turner did not believe Nanda actually obtained the alleged approval from Baker.

One issue that led to the disagreements between Turner and Nanda involved the Regents’ term limits. In late 2019, Mark Kimes’ renewal for his Board membership was coming up.¹⁶ Nanda told the other Regents that he would permit Kimes to rejoin the Life West Board following his resignation and a one-year absence. However, after the agreed-upon year off the Board, Nanda “changed [his] wording” that he “never said [he] would bring Mark back” and that he only “considered it.” Turner added that Nanda would not permit Kimes’ submission to get to a Governance Committee vote, which was necessary before a whole-Board discussion. Nanda ultimately refused to permit Kimes to rejoin the Board. Kimes applied “about five times” to rejoin the Board, and each time he was turned down.

In late 2020, about 6 or 7 months following Nanda’s initial refusal to permit Kimes to rejoin the Board, the term limits for Turner, Silk, and Nanda were set to expire. On this occasion, Nanda called for a method to bypass the required one-year hiatus.¹⁷ Turner thought Nanda tried to do this through an Articles amendment, to which he “vehemently disagreed” and “strongly fought.” Ultimately, Turner, Silk and Nanda were able to stay on the Board without taking a year off and their terms were renewed. Turner said he would have resigned, if necessary, but he wanted to stay on the Board to stand up for what he thought was right and protect the College’s best interests.

During the first five months of 2024, Nanda called several emergency Board meetings. Many of these meetings were to make important decisions about the new campus building purchase in Phoenix, Arizona. Turner recalled Nanda’s “reluctance” to consider financial and loan advice and take specific actions that were necessary for the College to be eligible for millions in tax credits, among other, related benefits. Turner estimated that Nanda’s delay tactics and attempts to enter contracts with lenders who were Nanda’s contacts “ended up costing LCCW hundreds of thousands of dollars.”

One of these emergency meetings took place on March 27, 2024. Turner could not attend because it was his wife’s birthday. The meeting was scheduled to get several “critical motions” passed related to the new campus, which was then in escrow. Hours before the meeting, Nanda

¹⁶ Kimes served on the Board from approximately January 2011 to January 2020.

¹⁷ The Bylaws note that when a Board member meets the three-year, three-term limit, they could resign from the Board for one year, and then reapply.



wrote to the Board that they would also vote on Cameron Hastings' reelection following the end of his paid consultancy role for the College.¹⁸ Given his intended absence from the meeting, Turner emailed the Board that he "waived" the notice requirement if the meeting is for the "sole purpose of handling the business for the close of the building purchase." He further wrote, "per my email, I'm asking [Silk] to vote for me as proxy . . . but only for the 4 motions exactly as written. If there is an edit, please text that to me and ask me to confirm before voting" (Exhibit 6). Turner said he clearly told the Board his proxy vote could not be used to reelect Hastings.

Turner joined the virtual meeting and "argued against [the motion to reelect Hastings] strongly for several reasons, and requested it be delayed," but Nanda "was forceful, and would not delay." Turner reminded Nanda he was still out for his wife's birthday, reiterated his proxy to Silk solely for the motions related to the building, and he exited the meeting. Turner knew his departure left the meeting without a quorum, and therefore the Board could not vote to reelect Hastings.

After the meeting ended, Turner received the meeting minutes by email, which indicated that he gave proxy authority to Silk to vote to reelect Hastings to the Board. Moreover, two of the motions related to the new building were delayed and not passed. Turner again emailed the entire Board to protest that he did not give power to Silk to vote for Hastings on his behalf, and included his prior email about the limited scope for Silk's proxy vote. Nanda's response to Turner's email was that Turner gave Silk proxy authority to reelect Hastings before he exited the meeting, which Turner adamantly denied. When Hastings was reelected to the Board, there were six Regents. (Turner further detailed the chain of events, including screenshots of Board emails exchanged, in a document provided to Investigator; see Exhibit 6).

Turner was removed from the board shortly after Hastings' reelection. With Kimes and Turner off the Board of Regents, Nanda and his "cronies" were ultimately the only ones left on the Board.

Turner further alleged that Nanda and the other Regents conducted a "character assassination" of him, including that Turner forgot things and remembered them differently than how it actually happened. When asked for an example, Turner recounted the February 2020 Board meeting in Las Vegas. Nanda asked Turner to present a motion to reimburse the Regents for their spouse's travel expenses. Turner disagreed, but Nanda said the reimbursements would be "very rare" and only when a Regent was traveling for an extended period. Nanda subsequently claimed the Board approved reimbursement for the Regent's travel expenses for the entire immediate family, not just the Regent's spouse, and showed Turner the meeting minutes to confirm it. Turner objected and said the Board solely approved reimbursement for a spouse's

¹⁸ Hastings previously served as a Board member; he stepped down when the Board hired him as a consultant.



travel expenses, and only in rare circumstances. Nanda claimed Turner was losing his mind. Nobody else on the Board challenged the meeting minutes.

Turner further stated that the Life West Board of Regents works with a “small” annual budget of about \$100,000. In November 2023, Life West’s CFO, Maria Perry, notified Turner and Nanda that the Board exceeded the annual budget less than six months into the new fiscal year.¹⁹ In early December 2023, Turner scheduled a Finance Committee meeting with Nanda, Perry, and Oberstein present. At the meeting, Turner requested more information from Nanda regarding how to counter the budget overspend, such as where they could cut expenses and conduct more fundraising. Nanda did not carry out any of the suggested tasks to cut costs that they discussed at the meeting.

FINDINGS AND ANALYSIS

The findings in this confidential investigation report do not reach questions of law as to whether the alleged misconduct supports a violation of applicable laws, nor are intended to equate to a finding that applicable laws were violated. This report is based on factual findings and the Investigator utilized legal analysis to reach the following findings.²⁰

Investigator analyzed the facts, including interviews with the above-referenced witnesses and review of the aforementioned expert reports and draft complaint, documents, and communications, and determined whether the allegations were with or without merit under a preponderance of the evidence standard. “Preponderance of the evidence,” for purposes of this report, means that the evidence on one side outweighs, or is more than, the evidence on the other side. This is a qualitative, not quantitative, standard.

Credibility Assessment

The witnesses interviewed provided many character assessments of Board Chair Jimmy Nanda. Given Investigator was unable to interview Nanda, Patel or the other Regents,²¹ nor Life West’s external legal counsel, Natasha Baker, considerable effort was put into reviewing the

¹⁹ The fiscal year starts on July 1st and ends on June 30th.

²⁰ Investigator has drawn the conclusions in this report from the totality of the evidence and a thorough analysis of all the facts, and where necessary, has made credibility determinations. The investigator also considered and gave appropriate weight to information that might be considered to be hearsay in legal proceedings. Also, while many hours were focused on reviewing the provided documents and interviewing witnesses, this report does not purport to include every detail as described by the individuals who were interviewed. Consequently, this report analyzes the important and relevant facts as they pertain to the Complainants’ allegations that were investigated.

²¹ Investigator emailed the Regents on three occasions between September and December 2024 to schedule an interview, and did not receive a response to these emails. Investigator had a brief conversation with Dr. Nanda and Natasha Baker on January 10, 2025. This was not a formal interview, and the allegations at issue were not discussed.



documents, emails and other communications provided, and evaluating the consistency of the witnesses' statements, and whether Oberstein and Turner – the whistleblowers – had any ulterior motives or agendas.

The facts provided by Oberstein and Turner were consistent with the testimony from all interviewed witnesses and supported the commentary and facts in the emails, texts, and other documents and communications reviewed. The witnesses echoed a pattern of complaints about Nanda's engineering and twisting of facts, surrounding himself with "yes men" and friends on the Board, including Patel and Silk, and excluding those who disagreed with him, such as Scott Turner and Mark Kimes. Most telling was that the experts in WSCUC Standards and accreditation consulted by Life West – Levitt, Cannon and Katherine Carey – affirmed Turner and Oberstein's concerns and criticisms on how the Board is organized, governed and spends money.

Following is an example when Investigator identified an inconsistency in a statement made by Nanda to Investigator, which supports the allegation that Nanda engineers facts and has manipulated comments made by others. Specifically, during a brief phone conversation on January 10, 2025 with Nanda and Baker, Nanda told Investigator that the Board did not know about DCI Group's engagement to conduct a workplace investigation prior to receiving Investigator's email on September 24, 2024 to schedule an interview. Other witnesses alleged Nanda previously knew about this workplace investigation, and there was email evidence to confirm this. Specifically, Life West's attorneys (Siegal and Baker) and Investigator were copied on an email sent by Oberstein to the five Regents, including Nanda, dated September 22, 2024 – two days before Investigator emailed Nanda and the other Regents (Exhibit 14). In this email, Oberstein wrote that he had mentioned during the July 31, 2024 Board meeting that the College "had hired an independent investigator, Staci Drescher, to conduct an impartial workplace investigation concerning violations of WASC standards, which were part of a draft complaint that all of you have seen." Investigator did not have an opportunity to discuss this inconsistency with Nanda, given it was identified after their January 10, 2025 call and Nanda did not respond to Investigator's follow-up emails.

Moreover, Turner provided two examples where the Board minutes were altered to create a different outcome to what was actually discussed and decided during meetings that took place on March 27, 2024 and in mid-2023 (see Exhibit 6, and further detailed below).

There did not appear to be evidence that Oberstein has a personal vendetta against Nanda or a desire to uproot the Board. Rather, his statements and email correspondence demonstrate that Oberstein has been committed to running a thriving college and his responsibility to ensure it flourishes. For example, in a July 12, 2024 email to the Regents, Oberstein wrote that Cannon's letter noted it was his "responsibility under CFR 1.8 to inform WASC of the issues that



are not in compliance and show any actions taken to fix the situation” (Exhibit 17). There are additional email communications that showed Oberstein was trying to do the right thing for the College, and that Life West business staff often asked Oberstein to step in and help when they experienced challenges in dealing with Nanda and the Board or needed information from Nanda and he was not responding to their emails.

In a heated email exchange between Turner and the other Regents regarding the special emergency Board meeting on March 27, 2024, when they voted to reelect Hastings to the Board, Patel alleged that Oberstein was speaking through Turner and that Turner had a “close and personal relationship” with Oberstein outside of Board business (see Exhibit 6). Turner and Oberstein may have communicated about their shared concerns about the Board, but there was no evidence that they had a calculated vendetta or conspired against Nanda and Patel. Given Turner was head of the Finance Committee and Oberstein was the principal liaison between the Board and the College’s business office and operations, it was appropriate for Turner to communicate with Oberstein about Board’s expenditures. Moreover, Oberstein confirmed that he and Turner did not have a personal friendship or socialize outside of Life West Business.

Oberstein’s contract expires in June 2025. As early as August 2023, Oberstein communicated to the Board his desire to step down as President when his contract expired. In fact, Cameron Hastings was interviewed as a potential candidate for the position, according to Oberstein. This further illustrates that Oberstein’s communications with WSCUC and disagreements with Nanda are not to strengthen his power or authority at Life West, but to leave his role with the College in good standing and fully accredited. Similarly, Turner is no longer a Life West Regent and has nothing to gain personally from submitting a whistleblower complaint. Turner was upset about his removal from the Board, but he did not demonstrate ill will towards the College nor a desire for retribution against the remaining Regents.

Finally, Patel and Nanda sought to discredit Turner’s mental faculties and memory when Turner disagreed with their Board decisions or actions. There’s been no evidence to support the allegations that Turner is having mental health issues. Turner has an active CPA license that was issued in 1981 by the California Board of Accountancy, and there are no disciplinary actions on his record.²² Moreover, one of Turner’s CPA clients, Mark Kimes, recommended Turner for the Life West Board, and had no doubt about Turner’s professional acumen, memory and mental health. Turner also documented the exchanges with Nanda and Patel to show how they actively disparaged him.

²² <https://search.dca.ca.gov/details/300/CPA/33710/25007c3e293cc14d45b4d611629a12f3>



Board Response to Oberstein Whistleblower Complaint

Investigator reviewed the January 17, 2025 letter from Life West to WSCUC, signed by Nanda. Given Investigator could not interview the Regents personally, this six-page letter has predominantly served as the Board's response to the complaint Oberstein filed with WSCUC (Exhibit 18). The letter did not address the separate allegations raised by Turner.

Nanda wrote that a significant number of the allegations raised by Oberstein were premised on his "lack of actual knowledge," "misrepresentation or mischaracterization of the scope of [his] authority," and/or his "disagreement with certain actions of the Board." However, the reference to Oberstein's alleged lack of actual knowledge further supports Oberstein's claim that Nanda and Patel frequently failed to notify him prior to holding special or emergency Board or Governance meetings, and that he was excluded from pertinent discussions about College business. Oberstein confirmed the last Board meeting he attended was in February 2024, and he has not been invited to a subsequent Board meeting.

Moreover, Oberstein is the most qualified College executive to ask tough questions about Board decisions, as he served as Chairman of the Board for many years. Further, the January 17, 2025 response to WSCUC focused on discrediting Oberstein, rather than providing constructive facts to support the Board's actions at issue. For example, Nanda wrote, "there is regular, constructive communication and debate between the Board and Dr. Oberstein (and his proxies²³) concerning institutional issues. This ongoing dialogue is an element missing from the complaint . . ." However, as detailed below, Nanda frequently held important Board and committee meetings and did not notify or invite Oberstein. Also, Nanda and Oberstein had a standing, weekly meeting, but Nanda frequently missed these meetings and he failed to tell Oberstein about his absence in advance. Oberstein showed Investigator at least a dozen screenshots of his unanswered texts to Nanda asking if he was joining their meeting, because Nanda's voicemail box was full or not set up when Oberstein tried to call him.

The letter also noted that some of the allegations concerned process issues, such as amendments to the bylaws, that occurred prior to WSCUC's February 2023 affirmation of Life West's accreditation. The fact that WSCUC reaffirmed Life West's accreditation on a certain date does not automatically protect the College or the Board from allegations of misconduct that occurred subsequently.

The letter also dictated that the expert advisors, such as Levitt and Cannon, did not review relevant Board materials, nor did the advisors interview or communicate with Board members. Therefore, the letter suggests that the expert reports "should be viewed skeptically as they appear to solely represent and replicate Dr. Oberstein's viewpoints." This narrow viewpoint

²³ In other emails, Nanda and Patel suggested Turner was a proxy for Oberstein.



has been taken into consideration by Investigator. However, Cannon's report noted that she reviewed the Life West Bylaws, minutes of some board meetings and communications by and among members of the board. Also, as noted above, Oberstein has been found to be credible, has no personal animus toward Nanda, and he wants what's best for Life West and its students. Additional defenses listed in the letter to WSCUS are addressed in the below analysis.

1. Allegations of excessive spending and misuse of Life West funds with Nanda's approval.

- a. Did Nanda use the Life West College credit card for personal entertainment, travel, rideshares, and contributions to personal affiliations, and not provide receipts or documentations for each expense?

Sustained.

The Board's Code of Conduct and Ethics requires that, "LCCW's resources must be reserved for business purposes on behalf of LCCW. They may not be used for personal gain or profit, and may not be used for personal use except in a manner that is incidental, and reasonable in light of the Board Member's duties" (see Exhibit 8).

As the Board chairman, Nanda has an AMEX credit card to use for Board-related expenses. Oberstein said there were no official spending guardrails for the card, other than the Board's annual budget and Life West policies and Bylaws. Oberstein was supposed to approve Nanda's charges, but he gave up "years ago" because he could not control Nanda's spending. Since the Board has exceeded their annual budget for the current 2024–2025 fiscal year, the Life West Business Office stopped reimbursing the Regents' expenditures. As a result, Nanda put "everything" on the AMEX card starting in Fall 2024, including charges by the other Regents, according to Michael Hurschmann, a Life West employee in the business office who served as the Board secretary for many years before stepping down and becoming the Board historian.

When Nanda's AMEX statement arrives each month, a copy is given to Oberstein, Nanda, Hurschmann, and CFO Maria Perry, according to Hurschmann. When Nanda does not provide a receipt or description to explain a charge, Hurschmann must then populate the description. Nanda used to send Hurschmann the receipts directly, but now Nanda gives the receipts to the current Board assistant, Stacey Brasier,²⁴ and Hurschmann must request the information from her. "Sometimes" Brasier provides the requested information, but when it's not received, Hurschmann uses the language "meeting with stakeholders," or other general

²⁴ Hurschmann did not know whether Stacey Brasier was an independent contractor, part-time Life West employee, or had another employment arrangement with the Board. That said, it was clear from the written communications that Brasier reports directly to Nanda as the Board Chair.



statements, as the reason for the charge on the credit card spreadsheet (Exhibit 13).²⁵ Once the monthly credit card expenditure spreadsheet is complete, Hurschmann sends it to Oberstein, Perry, and the Life West business office.

The description “Meeting with Stakeholder(s)” started showing up on Nanda’s AMEX credit card spreadsheet in October 2021. In fact, there were at least 135 references to “Meeting with Stakeholder(s)” in the AMEX statements between October 2021 and March 2024 (see Exhibit 13). Said another way, there were at least 135 credit card entries that could not be reconciled or Hurschmann did not receive the requested information to detail the purpose or justification for the expense.

Oberstein recalled that the Life West auditors included a recommendation in their draft annual report that Regents must include documentation, such as a receipt, for each expense they submit and charge on the Board credit card. One of the auditors addressed this recommendation during a Board audit committee, which Oberstein and Nanda attended. Oberstein learned that Nanda subsequently requested a one-on-one meeting with the auditor. Following this meeting, the auditor removed this recommendation from their audit report, under the condition that Nanda obtained an “attestation” of the accuracy of his Board-related expenses. Patel provided this attestation, according to Oberstein. Although Investigator could not discuss this series of events with Nanda nor Patel, it is concerning that Nanda asked a friendly colleague from the Board to provide the attestation, rather than provide the receipts or justifications for the expenses or have an uninvolved individual provide the attestation.

In addition, there were also at least 10 disputed charges from Uber Eats in July 2021 and October 2022 on the AMEX statements (see Exhibit 13).²⁶ Hurschmann wrote to Nanda to take care of the disputed charges and asked whether they should be canceled. However, many of these charges are unresolved. To date, Nanda did not provide the requested information to the Life West business office that it needed to accurately close out the month.

There were also at least two Uber Eats charges on the AMEX statement from February 19, 2024 with the description, “Nanda mischarge - Dr. Nanda will reimburse.” As of the date of this report, Hurschmann confirmed with the Life West business office that Nanda reimbursed the College for two Uber Eats charges and two additional ones were reclassified as meal expenses, but there were still outstanding Uber charges on the AMEX card totaling roughly \$135 that had not been reconciled. This shows that Nanda has a history of issues when reconciling the charges on the AMEX card.

²⁵ The spreadsheet provided included Nanda’s credit card statements from December 25, 2020 to October 20, 2024.

²⁶ Uber Eats is owned by the rideshare app Uber.



Moreover, as detailed above, Nanda sought Oberstein's permission to use College funds to co-sponsor a Diwali celebration event in Canada. Oberstein later found out the event was organized by Nanda's neighbor, and there was minimal recognition of Life West's name at the party. A subsequent year, Nanda used Life West funds to sponsor the same Diwali event without notifying Oberstein, who found out about the sponsorship after Nanda requested the Life West's logo for the invite. In fact, Nanda's email for the logo did not mention the purpose, just that it was for an "event" (Exhibit 26). It is likely Nanda avoided telling Oberstein about the subsequent sponsorship, given Oberstein's reaction to the event the first year.

Siegal's letter to the Board dated February 3, 2024, further noted that the Board authorized a contribution to a Temple in Nanda's hometown in Canada in honor of Diwali, and he did so without the knowledge or approval of College staff or business office (see Exhibit 2).

Investigator reviewed Nanda's AMEX statements and identified the following expenses related to a Temple in Oakville, Canada or sponsorship of a Diwali event (see Exhibit 13):

- 11/20/2021 – \$1,221.58 for LCBO/RAO²⁷ (LCBO is the Liquor Control Board of Ontario) with the description, "Diwali Canadian Event Cocktail Party Sponsorship."
- 11/20 & 11/21/2021 – Nanda charged four Uber charges over two, consecutive days as "Transport for Diwali Canadian Event 11/20/21" totaling \$127.08.
- 9/30/2022 – \$751.30 to Vaishno Devi Temple in Oakville with the description, "Life West Table Sponsorship."
- 10/19/2023 – \$1,123.73 to Vaishno Devi Temple in Oakville with the description, "Nanda Donation Vaishno Devi Mandir Temple 1/19/23"
- 11/17/2023 – \$1,123.65 to Galaxy Star Events²⁸ with the description, "Life West Event Sponsorship."

It is noteworthy that the College paid for alcohol at a non-College event and Nanda's apparent round-trip transportation twice on November 20 and November 21, 2021 to the Temple, coinciding with the event. It is also notable that the Vaishno Devi Temple is in the same town as the LCBO liquor store, where Nanda made a similarly priced purchase two years prior. Investigator would have wanted to ask Nanda whether the 10/19/2023 donation and 11/17/2023 payment to Galaxy Star Events were used to purchase alcohol for a Diwali event, and how the College or its students benefited from the charges.

²⁷ The Liquor Control Board of Ontario (LCBO) is a Crown agency that retails and distributes alcoholic beverages throughout the Canadian province of Ontario.

²⁸ Galaxy Star Events did not have an active website; it's Facebook profile – https://www.facebook.com/people/Galaxy-Star-Events/61550249731407/?_rdr – and appears to be an event planner for Indian-focus events including Diwali.



There were 53 references to “Oakville” – Nanda’s home town near Toronto, Canada – in the AMEX statements between January 2021 and October 2024. More than a dozen included “meeting with stakeholder” in the description and were identified as charges for food, transport or parking.

In an initial review of these 53 entities, there were a couple that stood as potentially unrelated to Board duties. On August 13, 2022, there was a \$130.02 charge on the AMEX statement from “Paradise Cigars” in Oakville, with the description, “Nanda Food Meeting with Stakeholder.”²⁹ If this was a gift to other Board members, or had another purpose, then the receipt and description had not been provided by Nanda. If given the opportunity, Investigator would have asked Nanda whether it was appropriate for the College to fund a meeting in a cigar shop. That same day, Nanda expensed an Uber for \$32.09 with the description, “Nanda Uber Meeting with Stakeholder,” implying that Nanda traveled from his Oakville home to meet someone that day allegedly related to Board business. One week later on August 20, 2022, Nanda expensed a \$112.60 charge for gas with the description, “Nanda Gas Meeting with Stakeholder 8/19/22.” Note, there were no additional AMEX charges on that date referencing a meeting or Board event (see Exhibit 13). There was also a \$240 charge for Nanda’s International Chiropractor Association (ICA) membership. It is strange for the College to fund this membership, given Nanda would have needed to pay for it as a practicing chiropractor in Canada.

In addition, Nanda used the College AMEX credit card to purchase airfare for a personal trip to Africa unrelated to Board activity. The Life West business office alerted Nanda on several occasions of the mischarge and requested reimbursement. It took Nanda 11 months to repay the College for the expense following many unanswered emails requesting payment.

There is sufficient evidence to support the allegation that Nanda, in his role as Chair of the Board, approved spending of Life West funds starting in at least 2022 for personal and/or unauthorized travel, entertainment, and other expenses that were not likely related to Board functions. Moreover, there were more than 130 instances when credit card expenditures did not have an accompanying receipt or description to explain or justify the expense. The lack of oversight or guardrails on expenditures is not a mandate for the Regents to disregard their fiduciary duty to spend Life West’s funds responsibly and in the College’s best interests.

²⁹ Paradise Cigars does not serve food, according to its website, <https://paradisecigarshop.com/about-us>



- b. Did the Board continue to spend funds with Nanda's approval after the Board exceeded its 2023 – 2024 budget within the first six months of the fiscal year?

Sustained.

The Board exceeded its annual fiscal budget (roughly \$100,000) in the first five or six months of the 2023 – 2024 fiscal year, according to Perry and Oberstein. Perry recalled that the Board spent the entire annual budget before December 2023.³⁰

Turner, who was head of the Board's Finance Committee during this fiscal year, wrote to his fellow Regents and Oberstein that the Board committed to cutting costs and expenses recommended by the Finance Committee. Specifically, in a February 1, 2024 email exchange with Oberstein and the other Regents regarding concerns that the Governance Committee was handling financial decisions and the Board was not implementing cost-cutting commitments, Turner wrote (Exhibit 23):

It is true that I stated that legitimate board expenses incurred should be reimbursed. I remind you that can only happen when we are within our own board budget, or after we have come to an agreement with the CFO, as a matter of principle. Otherwise, how do we expect [Perry] to balance her own LCCW budget if she accommodates all departments that are out of budget?

To keep the procedure instituted between the Fin Comm (and reported to the Board long ago) and the accounting department, the Dec 14 Fin Comm meeting was held because the board was moving toward being out of budget. [Nanda] and I made commitments there, which I have repeatedly expressed, and recommended be kept first in order to work towards a reconciliation with the CFO over our now over-spent board budget. Yet, there's no action by the board nor chair [Nanda] to allow the Fin Comm to do that.

And, yes, the Fin Comm has recommended several board cost cuts for the remainder of the budget FYE 6-30-24, you are correct about that – yet no action has been taken to cut expenses for the remainder of the year.

Nanda responded that the above was Turner's "opinion and not the decision of the Board or Governance committee with our legal advice. The board and Governance has made a decision with legal advice," and they would update everyone soon. The tone of Nanda's email response

³⁰ Life West and Board's fiscal year runs from July 1st through June 30th.



displayed hostility towards Turner, and that he and Patel were aligned against him. Turner was the head of the Board's Finance Committee and the sole Regent with a finance background, so his thoughts and "opinions" about Board expenditures were relevant.

Nanda also wrote that he would remove Oberstein from this email thread – likely to convey that this was a Board issue that did not involve Oberstein – to which Oberstein responded was not a good idea and "only leaves the college in a more vulnerable position." As further detailed below, this supports Oberstein's claim that he was actively excluded from important Board meetings and discussions. Oberstein added that he was not taking sides but that Turner brought up a "strong point about the separation of duties" (see Exhibit 23). The continued email exchange further demonstrated the differences that were growing between Oberstein and Nanda.

Moreover, Nanda repeatedly references the "legal advice" he received, which is something he and Patel said often to justify controversial Board actions. Oberstein requested a copy of all written legal advice and details from phone calls with the attorney (Baker), and Nanda responded that the attorney "is involved and will respond accordingly." As of the date of this report, Oberstein had not received the requested information nor any documentation of legal advice provided to the Board.

According to the AMEX statements and emails reviewed, the College paid for the Regents to travel to Las Vegas in February 2024 for a Board meeting. At this time, the Regents had been made aware that they exceeded their annual budget.

Moreover, in January 2024, Patel flew to India via business class, as further detailed below. Perry requested Nanda's approval for the College to pay for the flight, given the Board did not yet have a written policy for reimbursable board expenses (Exhibit 29). In response, a month later on February 8, 2024, Nanda emailed Oberstein, Perry and the Regents that the Board had passed a motion to have all Board expenses automatically approved, including "consultant" fees. The Board had not consulted Oberstein or the Life West business office prior to the motion, and the motion appeared to be a way to circumvent the exceeded Board budget (Exhibit 30):

The board approves all unanticipated board expenses for the 2023 fiscal year. These unexpected costs are the result of good Governance practices and board development for the strategic planning of LCCW. This includes but is not limited to travel, accommodations, and ancillary costs (such as food, beverages, gratuities) in the board oversight of current campus expansion and stakeholder relationship development. This is intended to also apply to related costs of the Board consultant and/or other employee costs.



As detailed above and from a review of emails provided and the AMEX statements, the Board, with Nanda's approval, continued to spend money on business-class travel, food, an in-person Board meeting outside California and other expenses through June 2024, when the fiscal year ended, despite exceeding their budget by December 2023.

- c. Did Nanda approve Regents' business class international travel for non-Board meeting travel?

Sustained

There was evidence that the Regents had flown business class when they traveled internationally for Life West. As noted above, Patel took a business class flight to India in January 2024, costing \$4,888, which corresponded with an annual College service trip to India. In a December 19, 2023 email, CFO Perry forwarded the flight details to Oberstein and asked whether this was "normal airfare." Oberstein responded that "it is not normal for board members to be flying business class on the College's money. I also do not know what reason [Patel] is going to Ahmedabad, as well as who is paying for hotel expenses. This is the first time I have heard or seen anything about the College paying for this trip" (see Exhibit 29). In the same email exchange, Perry asked Nanda for the business reason for Patel's travel, and since the date of this report, Perry said she had not received one.

In March 2023, Regent Ochoa-Rea booked a business class flight from San Diego to India on British Airways for \$5,465, according to an email from Ochoa-Rea to Hurschmann, which copied Nanda "per his request" (Exhibit 15). In addition, Nanda authorized Ochoa Rey to travel to an event in Australia, without prior Board approval, for an "event that the college didn't want to support," according to Oberstein.

As noted above, the Board has exceeded their annual budget less than six months into the fiscal year. To that end, Oberstein wrote to Patel and other Regents on January 17, 2024 – upon learning of Patel's aforementioned trip to India – that, "after receiving an email from our CFO yesterday and with prior knowledge of the board budget balance, please understand that there are no funds in the board budget currently to pay for your airfare [to India] and any other expenses."³¹

Oberstein confirmed that he travels by business class when he flies internationally for College business, because he has to work immediately upon arrival. In the December 20, 2023 email to Perry, Nanda referenced that the Board "have the same policy for the President and he has also booked business travel in the past" (see Exhibit 29).

³¹ Patel's flight to India was canceled by the airline. According to Oberstein, Patel used the reimbursement (or flight credits) to purchase a subsequent flight to India later that year.



Former Regents Kimes and Oberstein further confirmed that the College did not pay for business class travel when they traveled as a Regent for Life West. Kimes recalled that when he flew business or first class or stayed at nicer hotels when traveling on Board business, he worked with Hurschmann to pay the College the difference between an economy flight and the hotel selected by the College. He thought it was “fiscally irresponsible” to pay for Board members’ upper class airfare.

- d. Did the Board pay for each Regent to travel to Las Vegas, Nevada and Spain for Board meetings that coincided with chiropractor conferences?

Sustained.

Oberstein and others in Life West’s business office protested when the Board elected to hold official Board meetings in Spain and Las Vegas, Nevada. External staff attorney Siegel wrote to the Regents on March 19, 2024, following a March 15th conversation with the Regents and counsel, Baker, that holding a board meeting in Spain, was “fiscally irresponsible.” Siegel further wrote that, “I have researched and consulted with governance experts. I can find no expert, nor any legal case or statute, which stands for the proposition that a Board of Directors of a 501 C 3 Educational institution based in Hayward, California should have a single-day or multi-day board meeting outside the country in Spain” (Exhibit 21).

The meetings in Spain and Las Vegas corresponded with chiropractor industry conferences. It could be deemed fiscally responsible for the College to send some of the Regents to represent Life West at the conference. Kimes recalled that Chiro Europe (in Spain) was a “big philosophy and motivation event,” and it “made sense to send one to two Board members to create a presence for the College.” He added, however, it became – let’s have the whole Board attend and bring their spouses/partners. Kimes further recalled that the Board meeting in Spain was “maybe half a day” and “not as structured as it should’ve been.”

Reiterating Kimes’ remarks, having one or two Life West Board members attend Chiro Europe could be justified, but sending the entire Board to Europe to hold an in-person Board meeting was not likely fiscally responsible, especially when the College President disagreed with the decision and many of the Regents brought their significant other and/or immediately family, whose travel was also paid by the College. Moreover, from the emails, expert reports, and other correspondence reviewed, Oberstein, Life West’s counsel and others thought the full Board’s attendance at these conferences was neither prudent nor necessary.



- e. Did the Board change the Bylaws to approve the reimbursement of travel expenses for a Regent's spouse/significant other and immediate family members when the scope of the motion discussed at the Board meeting was to reimburse a Regent's spouse or partner's travel expenses and in rare circumstances only?

Sustained.

During a February 6, 2020 Board meeting, the Regents amended Bylaw 3.10 to add, “A Regent, when acting on behalf of the college, may seek reimbursement for travel and directly-related expenses incurred by themselves as well as their spouse, significant other and/or immediate family members.”

The January 17, 2025 letter to WSCUS signed by Nanda noted that the Draft Complaint made “no affirmative showing” that the Board is “misusing institutional funds.” The letter then referenced Bylaw Section 3.10, and that Oberstein “may disagree with the amounts and/or purpose of the [travel expense] reimbursements . . . but [Oberstein’s] disagreement alone is insufficient to base a claim of a violation of the Bylaws or WSCUC Standards.”

However, individuals with financial backgrounds – Turner and CFO Perry – and expert David Levitt echoed Oberstein’s concerns that the Board misspent institutional funds. In fact, Levitt wrote in his June 20, 2024 letter that,

“While it is permissible to provide minimal compensation and travel reimbursement under WSCUC’s Standards, it must be reasonable and fiscally responsible. Using the institution’s funds to pay for Board meetings in Las Vegas and Spain, including first-class travel and accommodations for members and their families cannot be considered reasonable.”

Moreover, the circumstances of the Board’s vote at the February 6, 2020 Board meeting and edits to Bylaw 3.10 are in dispute. Turner alleged the Board discussed and passed a motion to reimburse a Regent’s spouse or significant other’s travel expenses in “rare” circumstances, such as when a Regent was traveling for a long period of time. The Board’s discussion and decision at the meeting was not mirrored in the revised Bylaws and meeting minutes. In fact, Turner had not realized the discrepancy between the Board discussion and the revised Bylaw language until three years later when he learned the College reimbursed the Regents’ family members’ travel expenses to the Board meeting and corresponding chiropractor conference in Spain in 2023. When Turner looked back at the February 6, 2020 meeting minutes and revised Bylaw language, only then did he notice the discrepancy.



Turner wrote to Patel in late summer/early Fall 2023 that the inclusion of reimbursement of immediate family members' travel expenses in Bylaw 3.10 "was not included in my original motion, and it should be removed," and that "approval by the Board to pay for the accompanying partner's expenses would have to be requested in advance" (see Exhibit 6).³² He added that, "guidelines should be written for the unique and rare circumstances when a spouse's travel expenses might be covered" (see Exhibit 6).

Turner said Nanda responded to his email that Turner insisted on these motions, he did not remember things correctly, and that Nanda would send Turner's comments to Governance for consideration, for which Turner had not heard back. As detailed below, this was not the only time Nanda discredited Turner's recollection of events (and his mental faculties) when he outwardly disagreed with him.

Regent Ochoa-Rea had brought his boyfriend to the Chiro Europe conference and Board meeting in Spain and Life West paid for their travel expenses. Ochoa-Rea wrote in a March 16, 2022 email to Hurschmann that "Jimmy [Nanda] is aware" that his boyfriend will "be coming to **most events** with me" (emphasis added, see Exhibit 19). Ochoa-Rea's comment that his significant other would be traveling with him to "most events," and suggesting his travel costs be reimbursed, does not align with reimbursement of travel expenses on "rare" occasions and with the Board's prior approval.

Further, as of the date of this report, Life West CFO Perry has not seen any guidelines or policies passed by the Board to provide guardrails for when a spouse or family member's travel may be reimbursed.

2. Did the Board authorize changes to the Life West bylaws to pay Regents a \$1,000 honorarium for attending in-person Board meetings plus travel costs, and \$100 for attending the meetings virtually? Did Nanda authorize any stipends to Regents for meetings they did not attend?

Sustained.

It is undisputed that during the October 28 to 29, 2022 Board meeting, the Board approved to offer its members "an honorarium of \$1,000 per in-person Board meeting and \$100 per online or phone Board meeting" (see Exhibit 9).

Levitt wrote in his report that "it is permissible to provide minimal compensation and travel reimbursement under WSCUC's Standards, it must be reasonable and fiscally

³² Turner provided the text of the email to Patel and Nanda, but not a copy of the actual email.



responsible.” The January 17, 2025 letter from the Board echoed that the WSCSC Governing Board Policy stated that compensation of Board members for attendance at meetings was “permissible” and there was no “specific monetary limit.”³³

Moreover, Oberstein stated that during this Board meeting in Toronto, Canada, he was excused from the meeting so the Regents could hold an executive session, which is intended to be a discussion about Oberstein’s performance, contract or other issues related to his position. It was during this executive session that the Regents passed the compensation policy. Investigator could not ask the other Regents why they excused Oberstein from a discussion that was unrelated to his job or performance. Oberstein subsequently protested paying Board members, and Nanda’s response was that paying the stipend was the only way to get good people on the Board.

Also, there was at least one incident when Dr. Silk requested the \$1,000 honorarium for the August 2023 Board meeting when he did not attend in person. Hurschmann asked Nanda in an email whether the \$1,000 honorarium was approved, given the attendance sheet noted Silk was not there in person (see December 6, 2023 emails between Hurschmann and Nanda, Exhibit 20). Nanda wrote that he spoke with “governance” and Silk should be paid the \$1,000, even though he attended the meeting by phone. Nanda’s explanation was that it was a “medical emergency” and they told Silk “to stay with his family and call in,” and that the Board “will clarify the policy if we need to going forward.”

If this was a rare incident where Nanda authorized a payment or reimbursement that was outside the scope of the Board bylaws, then it would likely be characterized as an extraordinary or one-off circumstance. However, this appears to be one of many incidents addressed in this report where Nanda, Patel or their supporters on the Board approved an expenditure or reimbursement that appeared to be excessive or highly controversial.

The decision to approve Silk to be paid the \$1,000 honorarium for attending a board meeting virtually violated the Board’s October 2022 new Bylaw, and Silk should have been paid the \$100 honorarium for attending the meeting virtually. There was no policy or guideline to justify the decision other than Nanda consulting with “governance” and “legal.”

³³ Investigator will not decide whether the approved honorarium was permitted by WSCUC Standards.



3. Did Regent Ochoa-Reas use the term “same as last year” on his conflict of interest form starting in 2018 without further specifications, and with Nanda’s approval?

Sustained.

The allegation is that Regent Ochoa-Rea wrote “same as last year/2022” on his 2023 Conflict of Interest Disclosure Statement, which each Regent is supposed to complete annually “in accordance with the LCCW’s Conflict of Interest Policy.” CFO Perry sends the Regents’ statements annually to the College auditors.

Ochoa-Rea completed the conflict of interest form in 2017, and since then, he has written “same as last year” on all subsequent forms (Exhibit 25). On June 14, 2023, Perry wrote to Hurschmann that Ochoa-Rea “did not complete his form correctly,” and asked him to follow up with Ochoa-Rea. Hurschmann responded that he brought this up with Nanda previously, and that he might need to have Oberstein follow up on it. This exchange is another example of a Life West employee in the business office having to enlist Oberstein’s help to liaise with Nanda and the Board when Nanda did not follow protocol.

Also on June 14, 2023, Hurschman asked Ochoa-Rea to complete the conflict of interest form, and Ochoa-Rea responded, “this is how it’s always been done,” and added Nanda to the email exchange (see Exhibit 16). Nanda replied that he “confirmed with our attorney that it is alright to do that and say same as last year.”

Like with the other instances when Nanda or Patel wrote that legal approved their decision, Investigator was unable to find out whether the attorney who advised the Board supported the “same as last year” references on the annual forms. As referenced several times in the report, Nanda has often responded to an inquiry about a controversial decision he made by stating it was approved by legal. If this was Nanda’s response once or twice, or during an exigent circumstance, it could be considered reasonable. However, Nanda has used this defense multiple times to justify his actions disputed by others at Life West. It significantly impacts Nanda’s credibility that he did not provide the inquiring party an opportunity to communicate with the Board’s counsel or review any written legal advice.

Moreover, Oberstein referenced a situation when Nanda did not disclose a potential conflict when Patel was recruited to join the Board. Specifically, Nanda told Oberstein and the other Regents that he did not know Patel well, yet Oberstein found out they sat on another board together, and Nanda did not disclose this prior to Patel joining the Board.

As such, it is confirmed that starting in 2018, Ochoa-Rea knowingly wrote “same as last year” on his annual conflict of interest, referring to the form he completed in 2017. It is



impossible to know whether Ochoa-Rea has made relevant new investments or professional relationships since 2017. Further, Ochoa-Rea did this with Nanda's knowledge and consent, even when the Life West business office and legal counsel (Siegal) identified this as a problem and a violation of College policy.

4. Was it a conflict of interest to engage Regent Cameron Hastings to serve as a paid consultant, then approve Hastings' return to his role on the Board of Regents? Further, did the Board violate Life West Bylaws when it reinstated Hastings as a Regent during a special meeting on March 27, 2024?

Sustained.

Cameron Hastings first served on the Board of Regents from February 2017 through May 2023, according to Hurschmann, who was the Board secretary at the time.³⁴ In September 2023, the Board engaged Hastings as a paid consultant to assist with locating a property in Arizona to purchase for Life West's new campus. For Hastings' consultant role, the Board authorized a \$150,000 annual salary plus reimbursement for travel and other expenses.³⁵ Hastings' final day in the paid consultant role was April 22, 2024, and he rejoined the Life West Board on the same day.

Conflict of Interest

Engaging Hastings was an expensive and important decision affecting Life West's business operations. The Board did not demonstrate that they held meetings to discuss whether Hastings was the best person for the position, that they considered other candidates, or whether they conducted research to conclude the salary offered to Hastings was sensible.³⁶ Given Investigator could not interview Nanda, Hastings or the other Regents, there is no way to confirm whether and to what extent the Regents discussed these considerations.

As noted in Section 3.2 of the Bylaws, a Regent "may not serve in any administrative or teaching position at the institution, except for occasional service without compensation" (see Exhibit 7). Therefore, Hastings' paid consultant role was not supposed to overlap with his Regent role, although he allegedly rejoined the Board the same day his paid consultant position ended. However, given the clause in his contract called for a minimum 30 days' payment upon

³⁴ Hastings attended the April 2023 Board meeting as a Regent and attended the June 2023 meeting as a guest of the Board.

³⁵ The contract included a clause that Hastings would be provided a minimum of 30-days' notice if or when his services were no longer needed.

³⁶ A copy of the September 2023 Board meeting minutes were not provided to Hurschmann and therefore were not made available to Investigator. Hurschmann has not received copies of meeting minutes after the June 11, 2023 Board meeting.



notification that his services were no longer needed, Hastings could've been reinstated as a Regent while still receiving severance during this 30-day period.

Moreover, Section 4.11 of the Bylaws notes that the Board of Regents decides the President's compensation, but that, "Compensation of the other officers, agents, and employees of the Corporation shall be fixed by the President or by an officer to whom that function has been delegated by the President" (see Exhibit 7). Section 7.03 of the Board's Policy and Procedures Manual further notes that, "The President and Chief Executive Officer of Life West has the inherent authority and power to suspend or terminate any member of the administrative staff or faculty until the Board of Regents takes formal action thereon to the contrary" (see Exhibit 8). These clauses declare that the President should have been part of the decision-making process, or at a minimum, part of the Board's discussion, when they decided to hire Hastings and the terms of his contract, including the salary and scope of the engagement. However, Oberstein stated he first learned about the engagement of Hastings in a September 29, 2023 email from Patel, which described Hastings' new role as "liaison to the Board, project lead, coordinator, eyes ears and feet on the ground, explore options, vision..." (Exhibit 27).

The January 17, 2025 letter to WSCUC and signed by Nanda noted that Oberstein's complaint to WSCUS omitted the fact that Section 6.1 of the Bylaws "permits agents of the Corporation (i.e. Board members) to enter into contracts on behalf of LCCW" (see Exhibit 18). However, it is not likely that the Regents are considered agents of the College pursuant to this section. Rather, Bylaw Section 6.1 notes the "Board of Regents may authorize any officer or officers, agent or agents of the Corporation." Moreover, Section 3.1(a) of the Bylaws also note that the Board has the power to "select and remove all the other officers, agents, and employees of the corporation," both suggesting that the Regents are not considered "agents" in the Bylaws. Nonetheless, this nuanced question should be determined by a legal professional who is an expert in nonprofit and higher education corporate law.

Hastings' new role as a paid consultant and liaison to the Board was likely a conflict of interest. Hastings had been described by witnesses as a personal friend of Silk and became a supporter of Nanda. Nanda also wrote in an April 18, 2024 email that Hastings "was always coming back [to the Board] from his leave of absence when his agreement ended" (see Exhibit 6). Oberstein stated it was a clear conflict of interest when Hastings went from a long-serving Regent, to a paid consultant position, and then returned to the Board.

Life West's regulatory counsel, Katherine Lee Carey, wrote in the Levitt report that WSCUC "requires" the Board be "independent and its directors reflect the best interests of the institution and its students . . . as such, independent directors must be free of any financial interest in the institution, including any form of payment." When she referenced Hastings' reinstatement to the Board, she wrote, "then to ask the same director to return to the Board, while



still being paid as a consultant, is highly questionable, and in no event can that director be considered independent.” (see Exhibit 4). Carey’s legal analysis calls into question whether Hastings could be reinstated as an independent director.

Based on the evidence provided and witnesses’ statements, Hastings did not appear to have any specialized skills or experience that made him the best candidate for the role. According to witness statements and documents provided, he was not a real estate agent, attorney, resident of Arizona (where the college was looking to move its campus), or any other skill set or training that made him a top candidate for the job.

In a March 19, 2024 letter written by external staff counsel Siegel to the Regents, Siegel wrote that in his “legal opinion,” hiring Hastings was “a violation of both the Board’s fiduciary duties to the College, and a breach of the non-self-serving duty of board members.” Siegel noted that Hastings has “personal relations to multiple board members” as a former Regent, and that the College “has the bandwidth to do the work” Hastings was hired to perform (Exhibit 21). No evidence has been presented that refutes or discredits this legal opinion.

Hastings’ March 27, 2024 Reinstatement to the Board

In addition, Hastings appeared to have been improperly reinstated to the Board during the March 27, 2024 special board meeting. As detailed in Turner’s statement above, Nanda misused Turner’s proxy vote to confirm a quorum and move forward with the vote to reelect Hastings. Turner emailed the entire Board and clearly stated that Silk may serve as his proxy only to approve the motions related to the Phoenix property (see Exhibit 6).

Turner’s statement and emails also allege that the Board meeting minutes circulated to the Regents did “not correctly reflect what happened.” According to the minutes, two motions were passed and a third motion was called to reinstate Hastings to full Regent status. It noted that Turner had to leave the meeting, and “reiterated his proxy vote to Dr. Silk” and the vote was “unanimous with Mr. Turner’s proxy noted as dissenting” (Exhibit 28). This chain of events has already been demonstrated to be deeply questionable.

When Nanda started the March 27, 2024 meeting, Turner was on the call. When Nanda brought up the motion to reinstate Hastings, Turner refused to participate, reiterated the instructions related to his proxy vote and left the call. Without Turner, the Board did not have a quorum to pass the motion, pursuant to the Life West Bylaws. (see Exhibit 8, Section 3.7) Moreover, the motions related to the Phoenix building – the sole purpose for the special emergency meeting – were postponed. In emails exchanged following the meeting, Nanda wrote, “These minutes are exactly as was discussed and recorded by [Silk]. It was a simple and short meeting. [Hastings’] issue was brought as an agenda item before the call and known by email by



the whole board and waiver was granted” (see Exhibit 6). Again, Turner wrote in the above email exchanges that he waived the notice requirement solely to pass the motions related to the Phoenix building, suggesting he did not waive notice for the vote on Hastings.

Nanda further wrote in the email that their attorney Baker was “aware of the meeting and the agenda prior to the meeting.” As noted throughout this report, Nanda often uses the justification that he obtained approval from legal to support a disputed decision or action. However, Nanda provided no written confirmation or summary of a conversation with external counsel approving his last-minute communication to add Hastings’ reelection to the meeting agenda. Further, Nanda wrote that there was no need for Hastings to be reelected because the Board agreed that Hastings would take a leave of absence and return to his role as a Board Regent when the consultant engagement expired. Oberstein noted that Nanda did not communicate this plan to him. During the April 28, 2023 Board meeting – the last time Hastings attended as a Regent before his engagement – there was no mention of his leave of absence or leaving the Board to work for the College as a consultant, according to the meeting minutes (Exhibit 32). At the June 6, 2023 meeting, Hastings attended as a guest, and these were the last meeting minutes provided to Hurschmann (see Exhibit 32). As detailed below, Patel also questioned Turner’s mental health when he opposed the use of his proxy vote.

This sequence of events illustrates how Nanda, with Patel and the other Regents’ compliance, changed the meeting agenda without proper notice, misused Turner’s proxy, and challenged his mental state when Turner disagreed with Nanda. Turner clearly communicated the guardrails for Silk to be his proxy and Nanda took advantage of Turner’s absence. As such, there is sufficient evidence that one or more College Bylaws were violated at the March 27, 2024 special board meeting.

5. Did Nanda and Patel make disparaging statements about then-Regent Scott Turner, including questioning his mental state, when he disagreed with or objected to their actions?

Turner alleged that Nanda and Patel turned against and discredited him and questioned his mental health and acuity when he started to disagree with them during the Covid-19 pandemic. Turner recalled his disagreements started when Kimes was not reinstated as a Board member, and when Nanda and Silk’s term limits were refreshed in 2020 (further detailed below).

Turner provided the February 1, 2024 email exchange detailed above regarding the Board failure to implement cost-cutting commitments to support his claim (see Exhibit 23). The emails showed Patel and Nanda making unkind remarks about Turner when he objected to the Governance Committee - headed by Patel – making financial decisions that should be determined by the Finance Committee, which Turner led.



Specifically, Patel wrote to Oberstein on January 31, 2024, asking when Oberstein could meet with the Governance Committee for a call “regarding board expense.” Oberstein responded that he was “confused about why board expenses are being held in the Governance Committee instead of the Finance Committee,” and that he feels “uncomfortable speaking with one committee that may be a different committee's responsibility.” Patel responded there was “no reason for confusion,” as the “board expenses are NOT being held up in Governance.” He added that it “was advised by legal, and because of that it was forwarded over to governance to do the due diligence as our fiduciary responsibility in looking at the expenses and that all board expenses must be paid for all duties and responsibilities of the board. **This was also discussed with Scott [Turner] as the finance committee, and he agrees**” (emphasis added, see Exhibit 23).

Turner replied to this email thread on February 2, 2024 that he adamantly disagreed with Patel. Turner wrote, “As I have before stated to you and all board members – several times – governance passing a motion re board and LCCW finances is out of order and a violation of separation of duties required by all non-profit boards.” Later the same day, Turner wrote, in response to Patel’s assertions, that “I hate to get back into this, but your violations are becoming more and more egregious, and I see your words and actions as dangerous for the institution we represent, and another blow to our relationship with the president and CFO. It is my duty to speak out against that. Also, in light of your emails, I think it is important that the president knows the truth, and that I protect my relationship with him” (see Exhibit 23).

Turner was not alone in his objections. Oberstein and Life West’s external counsel Siegal also expressed their concerns in emails and other correspondence about the Governance Committee. In the March 19, 2024 letter from Siegal to the Regents, Siegal wrote that “Governance officials, statutes, and previous cases indicate no basis for having decisions about the College's finances made by the governance committee instead of the finance committee. The finance committee needs to be consulted and needs to chair decisions when any college board finance is involved” (see Exhibit 21).

A few months later, in an April 20, 2024 email exchange related to Turner’s opposition to the vote to reinstate Hastings to the Board, Patel wrote a scathing note that questioned Turner’s mental health and memory, specifically writing, “**Scott, I think your mental status is of serious concern to governance . . . there is much evident confusion of your mental state in misrepresenting facts, missing facts, falsifying facts constantly throwing into the mix that bylaws are not being followed just because you have this forgetful state . . .**” (emphasis added, see Exhibit 6).



Patel also accused Turner of collaborating with Oberstein, serving as his mouthpiece, and having a close and personal relationship with him outside of Board business. When asked, Oberstein said he and Turner were not friends outside of Life West business. Oberstein recalled having dinner with Turner following Life West's graduation, which Turner attended as a Board member, but that was it.

Patel also suggested speaking with legal counsel to investigate and have Turner removed from the Board.³⁷ This appears to be a spiteful action against Turner for disagreeing with Nanda and Patel and bringing his concerns to Oberstein.

This was not the only time other Regents attempted to publicly question Turner's mental acumen. As detailed above, Turner had objected to the minutes from the February 6, 2020 Board meeting in Las Vegas, alleging they passed a motion to reimburse travel expenses for a Regent's spouse in rare circumstances, and not a Regent's entire family, as reflected in the minutes. Nanda responded that Turner did not remember things correctly.

Turner, Kimes and Oberstein detailed how Nanda kept the Board small, because he wanted unanimous decisions from all Regents and full support of his agenda. Turner said, "Nanda controlled all the decisions and nobody had an independent voice." Kimes said Nanda kept the Board small to "keep his cronies on" who could be "manipulated by Nanda."

Turner also recalled that when Nanda, Turner and Silk's Board terms were set to expire, the Board voted to reset Silk and Nanda's terms but not Turner's. Given there were only five Regents, Turner could not be dismissed from the Board until another Board member joined. That member was Hastings, and when he rejoined the Board, Turner was let go.

When asked whether Kimes had any concerns about Turner's mental health or memory, his response was, "no that's all BS. His mental health and faculties are perfectly fine." Recall that Kimes was a client of Turner's CPA firm and he initially introduced Turner to the Life West Board. Oberstein believed the Board had Turner removed because he was the only one standing up to Nanda.

Further, the Board's Code of Conduct and Ethics notes that "as part of fulfilling their fiduciary duties to LCCW, and to ensure the integrity of the Board..." the Regents must, "exercise respect, honesty and professionalism" and "promote the positive image of the college and one another," among other requirements (see Exhibit 8). The manner in which Patel and

³⁷ As noted throughout this report, Investigator could not confirm with the other Regents nor their legal counsel whether Nanda and Patel's emails accurately reflected what they communicated to legal and what was approved by legal.



Nanda spoke negatively about Turner memory and his mental faculties was not exercising respect nor promoting a positive image.

The emails and witness interviews support a finding that Nanda and Patel targeted Turner, specifically calling his mental health in question, when he outwardly disagreed with them. Turner's dismissal from the Board was likely the result of a personal vendetta against him.

6. Did the Board, under Nanda's leadership, schedule committee, emergency and/or special meetings without notifying the Regents or circulating agendas in advance, as required by Life West's bylaws and other governing regulations? Further, did the Board fail to notify and/or invite Oberstein to scheduled Board meetings and relevant Board communications?

Sustained.

Oberstein, Nanda, Turner, and Hurshmann confirmed that since approximately 2021, Nanda often scheduled special and emergency Board meetings without proper advance notification to the other Regents. Moreover, Oberstein confirmed he was often not notified or invited to the Board meetings.

Section 3.6 of the Life West bylaws notes that, "any special meeting of the Board of Regents will be held upon four days' notice by first-class mail or 48 hours' notice delivered personally or sent by mail or email." The section further notes that, "Any Regent may waive notice of any meeting. The attendance of a Regent at any meeting shall constitute a waiver of notice of such meeting, except where a Regent attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or conveyed" (see Exhibit 7). Moreover, in BR-6.01, Agenda, the Board policy notes that "an agenda should be prepared in advance and mailed to every Regent. Regents should not be expected to vote on items with which they are not familiar" (see Exhibit 8).

Regulatory counsel, Katherine Lee Carey, provided analysis in the Levitt report that the "Board must delegate day-to-day management of the institution to the chief executive officer, and must maintain and honor clear policies on shared governance with the institution's leadership." She added that "not inviting the CEO to governance and other important committee meetings is a direct violation of WSCUC policy. The Board is expected to share governance with the leadership of the institution, and the Board should not convene any meeting without notifying the CEO" (Exhibit 4). Carey is an expert in this field, based on her professional profile and years of experience, and her legal advice could not be more direct.



The Life West Board Policies and Procedures Manual BR-7.02 notes that, “The Board’s primary interface with the operations of the College is the President. The Board and the president must respect the responsibility each has to offer the other and the responsibilities reserved for one or the other.” Policy BR-6 further notes that “Preparation for Board meetings is one of the more important responsibilities of the President,” and “Only one person, the President, or someone designated by him, should make reports to the Board.” Policy BR-7.02(a) further notes that, “The President and Chief Executive Officer is an ex-officio member of all standing committees and organizations within Life West.” The manual includes additional policies involving the President’s involvement in the Board meetings (see Exhibit 8).

These policies indicate that the President should attend the Board meetings, as he is the principal liaison between the Board and the College. Siegal also reiterated this in the March 19, 2024 letter to the Regents, writing “as Natasha [Baker] indicated the President, and one of the two lawyers should be present at all board meeting[s]” (see Exhibit 21).

Oberstein stated that he was often not invited to Board and committee meetings and found out about them after the fact. Most telling is that Oberstein said he had not been invited to any Board Governance Committee meeting the prior two years. In the March 19, 2024 letter, Siegal wrote to the Regents that “according to California law” Oberstein “is an ex Officio member of the Board and needs to be present at all board meetings.” Given Investigator could not interview Baker about her privileged communications with the Board, this letter is the next-best representation of Baker’s legal advice about Oberstein’s necessary attendance at Board meetings.

In the January 17, 2025 letter to WSCUC signed by Nanda, it noted that Oberstein “is not entitled to participate in all Board functions and decision-making, and this fact should not be utilized against the Board...” (see Exhibit 18). The letter further noted that a “significant majority” of Oberstein’s allegations:

stem predominately from his mere disagreement with the actions of the Board in his capacity as an employee and couches his disagreements with Board decisions as actual violations of the Bylaws and/or the WSCUC Standards. However, the fact remains that these are common disagreements which, in and of themselves, are not ‘evidence’ of non-compliance.

Oberstein did not allege that he must be present at every Board meeting or involved in every Board conversation or decision. However the College Bylaws clearly dictate that Oberstein is an “ex-officio member” of all College standing committees and organizations and the principal liaison between the Board and College, and the College’s regulatory counsel advised that failing



to invite Oberstein to Board “governance and other important committee meetings is a direct violation of WSCUC policy.”

In addition to excluding Oberstein, Nanda and Patel did not follow protocol when notifying and scheduling special Board meetings. Turner said at least 15 emergency meetings were scheduled by Nanda since 2022, and agendas were not circulated in advance of these special meetings. Although no evidence was provided, witnesses’ accounts and the communications provided demonstrate an ongoing theme that the Board, under Nanda’s leadership, often disregarded required policies and procedures.

Based on witness interviews and the September 29, 2023 email exchange noted above (see Exhibit 27), Oberstein had not been part of the Board’s discussion prior to engaging Hastings or the scope of the engagement. The March 27, 2024 special meeting was another example. Nanda provided insufficient notice – hours before the scheduled meeting – that a vote on Hastings’ reelection was added to the agenda. Given Nanda put forth the vote for Hastings’ reelection at the start of the meeting, and failed to call for a vote on the Phoenix building motions, which was the understood purpose of this meeting, Turner’s short attendance at the meeting did not waive the improper notice.

Similarly, there’s a lack of communication with the College after Board meetings. The prior Board secretary and current historian (Hurschmann), stated that since June 11, 2023, the Board has not sent him a copy of the meeting minutes, even though he’s supposed to receive and archive them. Hurschmann has emailed Nanda and the current board assistant multiple times to request the minutes. Hurschmann cannot determine “who is off or on the Board” unless Nanda or someone else from the Board contacts him when someone joins or is removed. Hurschmann added that one of the principal reasons he stepped down as Board secretary was the “difficult and frustrating” experience working with Nanda as board chair.

7. Did Regents Turner, Nanda and Silk restart their Board term limits in 2021 and therefore exceed the three-year, three-term limit as outlined in the Life West Bylaws?

Sustained.

According to Section 3.2 of the Bylaws, a Regent may be elected for a maximum of up to 3 consecutive, 3-year terms with the opportunity to be re-elected to the Board after a 1-year absence, with the terms of the Board members to be staggered to prevent a short-term, large turnover (see Exhibit 7).

During an October 2020 meeting, the Board noted that several Regents were approaching their maximum number of renewals in the upcoming academic year and resolved that,



“Notwithstanding the foregoing 1-year absence requirement, upon petition from the Governance Committee of the Board of Regents demonstrating that an additional consecutive term would address a major need, or that extraordinary circumstances exist, or would provide unique leadership skills which are particularly necessary during the extended term, the Board of Regents may vote to permit a fourth consecutive term of a Regent if the petition is approved by a majority of the Board of Regents” (Exhibit 11). Although the minutes from the vote noted that two Regents were approaching their maximum number of renewals, the term limits for Silk, Nanda and himself were set to expire in 2021, according to Turner.

Oberstein recalled that Nanda “reupped everyone” in December 2020, and everyone left the Board “for one second” and they came back with full three, three-year terms. When Oberstein inquired, Nanda said “legal” permitted it. The January 17, 2025 letter to WSCUS signed by Nanda also noted that “with the advice from outside legal counsel,” the Board amended this Bylaw. However, Oberstein and Siegal recalled a conversation they had with Baker, and specifically whether she approved reupping the Regents’ term limits. Baker responded to them, “No, they ask me something and I tell them X and they take it to a whole new level.” Oberstein surmised that Nanda might have used the Covid-19 pandemic in 2020 as the reason to extend some of the Regents’ terms, and when he obtained Baker’s approval, Nanda “ran with it.” Although Investigator could not interview Nanda or Baker, there are multiple examples of Nanda (and Patel) claiming that “legal” authorized a controversial decision without providing any backup documentation.

It is relevant to detail Kimes’ departure from the Board in 2019 prior to the October 2020 Board resolution, as it further demonstrates the ongoing theme of Nanda twisting words. Kimes’ tenure on the Board was set to expire in 2019. Kimes recalled Nanda said, “I’ll get you back on the Board. You are a valued board member, step down for one year, we’ll keep you on as a non-voting member then [we’ll] reinstate you.” Kimes complied and stepped down. After waiting one year, he applied and was never reinstated. Turner also recalled Nanda said he agreed to have Kimes rejoin the Board after the year. Turner said Kimes applied at least five times to rejoin the Board. When Turner pressed Nanda, he claimed Nanda “changed his wording” and that he never agreed to bring Kimes back, only he would consider it. Kimes said the whole experience felt “disingenuous” and that he was a “very active Board member.”

The circumstances leading to the Board circumventing the three-year, three-term limit are suspicious. Nanda and Patel justified the decision to reset the Board term limits and continue serving past the allotted nine years based on their claim they received advice from “legal” (i.e. Baker), which Oberstein and Siegal demonstrated was questionable based on their conversation with Baker.



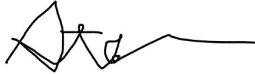
Additional Allegation – Lack of Diversity and Too-Small Size of Board of Regents

The below allegations were included in the whistleblower complaints to WSCUC. It is lightly discussed below but will not be decided at this time.

Two allegations in the complaint and discussed in the expert reports by Cannon and Levitt were the lack of diversity on the Board and its too-small size did not meet WSCUC Standards. The Life West Bylaws set the floor to a minimum of five Regents, which has been maintained, but the minimum number of Regents stated in the Articles of Incorporation is seven, which has not been maintained. Moreover, the aforementioned experts in WSCUC Standards and accreditation whom Life West consulted stated that the Life West Board should have more than five Regents and the Regents should have more diverse backgrounds and characteristics.

The January 17, 2025 letter to WSCUS signed by Nanda noted that two female Regents had recently left the Board, one passed away and another had an unrelated family issue. However, the most recent additions to the Board – Patel (joined 2022), Sordillo (joined 2023) and Hastings (re-joined 2024) – are all men. Moreover, the one Regent with financial and accounting experience, Scott Turner, was removed when Hastings was reinstated. Currently, none of the Regents have an accounting, financial, real estate, legal or professional background outside of chiropractic medicine.

Thank you,

A handwritten signature in black ink, appearing to read 'Staci Drescher', with a long horizontal line extending to the right.

Staci Drescher, Esq.

