

**Dannel P. Malloy**

GOVERNOR  
STATE OF CONNECTICUT

August 18, 2011

Louise S. Berry  
16 Mashentuck Road  
Danielson, Connecticut 06239

Dear Ms. Berry:

Several issues have recently been brought to my attention involving the Board of Trustees for Community-Technical Colleges (the "Board of Trustees") that concern me greatly. As you are certainly aware, on December 31, 2011 the Board of Trustees will be replaced by the Board of Regents for Higher Education. Until that time, however, the Board of Trustees will continue to play a role in the administration of the community-technical college system, and it is therefore very important to ensure that the public trust and confidence is maintained in the Board or Trustees during this period of transition. Because the Board of Trustees under your leadership has recently taken several actions that run counter to the public interest, I have decided to exercise my authority to appoint a new Chairperson, effective immediately.

Two incidents have prompted my decision. First, by Resolution dated May 23, 2011, the Board of Trustees illegally delegated to you the authority to temporarily reemploy college presidents and executive staff, including the Chancellor. You inappropriately used this purported authority to temporarily reappoint Marc Herzog as Chancellor of the Board, after he secretly retired effective May 31, 2011. Mr. Herzog served as Chancellor by virtue of this improper appointment until June 30, 2011, when he voluntarily left office. Incidentally, Mr. Herzog's decision to leave coincided with the elimination of the position of Chancellor pursuant to Section 217 of Public Act 11-48, which became effective July 1, 2011.

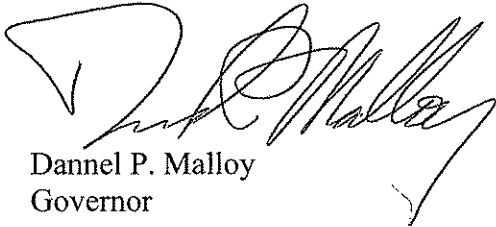
Your decision to exercise the authority that was inappropriately delegated to you by the Board of Trustees is deeply troubling to me. As you know, until the enactment of Public Act 11-48, Section 10a-72 of the General Statutes vested the power to hire and remove the Chancellor in the full Board of Trustees only. Public Act 11-48 eliminated the power of the Board of Trustees to hire and remove its executive staff all together. Therefore, whether before or after the enactment of Public Act 11-48, the Board of Trustees did not have a legal basis to delegate to you alone the power to rehire a Chancellor, even temporarily. Indeed, last year the Attorney General issued a formal opinion finding that a similar attempt by the Board of Trustees for the Connecticut State

University System to delegate authority to its Chairperson was unlawful. The Attorney General's ruling was well publicized and is well known, especially in higher education circles. These facts suggest to me that you unilaterally appointed Mr. Herzog as Chancellor knowing that it was improper for the Board of Trustees to delegate this power to you. I have concluded that you did so to circumvent the new provisions contained in Public Act 11-48 requiring Board of Regents ratification of all Board of Trustees decisions. I cannot condone your participation in this transparent attempt to evade the requirements of duly enacted legislation.

Additionally, on July 27, 2011 the Board of Trustees purportedly held a special meeting to discuss issuing layoff notices to some of the employees of the Board's executive staff. This meeting, which apparently was a telephonic meeting, clearly violated the open meeting requirements contained in the Freedom of Information Act. The meeting notice did not specify the time of the meeting or a phone number for the public to call in, nor did it identify the specific room within the Board's offices to which a member of the public should report to listen to the phone call. The Board also apparently did not post the meeting notice or minutes on its website, although the Freedom of Information Act requires it to do so. I am extremely disappointed that you would allow the public to be effectively excluded from such an important public meeting.

For these reasons, pursuant to Sections 4-9a and 10a-71 of the General Statutes (as amended by Section 216 of Public Act 11-48), I am naming a new Chairperson of the Board of Trustees for Community-Technical Colleges in your place, effective immediately. Though I have lost confidence in your leadership of the Board of Trustees, I recognize your years of effort on behalf of our state's community and technical colleges. In recognition of that service, and given the limited time the Board of Trustees will remain in existence, I have decided not to remove you as a regular member of the Board of Trustees. You will receive notice of my new appointment as Chairperson in due course.

Sincerely,



Dannel P. Malloy  
Governor