

BEM D. ITIAVKASE

ORIGINAL

Plaintiff

Case No. 2013-00715

v.

WRIGHT STATE UNIVERSITY

Defendant

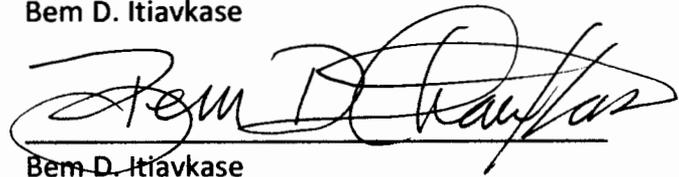
PLAINTIFF'S REQUEST TO ADMIT EXHIBITS AS EVIDENCE

Now comes plaintiff, Bem D. Itiavkase, and respectfully requests that the court enter what has been marked as Plaintiff's Exhibits 1 through 9 evidence.

FILED
COURT OF CLAIMS
OF OHIO
2014 MAR 17 AM 10:56

Respectfully submitted,

Bem D. Itiavkase



Bem D. Itiavkase
5960 Sunridge Drive
Cincinnati, OH 45224
(513)290-7930
Bemmismaximus@hotmail.com
Plaintiff Pro Se

ON COMPUTER

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing Request to Admit Exhibits as Evidence was served upon the following counsel of record by ordinary U.S. mail, postage paid, this 13th day of March, 2014.

Peter E. Demarco (0002684)
James P. Dinsmore (0051798)
Assistant Attorneys General
Court of Claims Defense Section
150 East Gay Street, 18th Floor
Columbus, Ohio 43215



Ben D. Hlavkase
Plaintiff Pro Se



Exhibit 1

Graduate School

3640 Colonel Glenn Hwy.

Dayton, OH 45435-0001

(937) 775-2976

FAX (937) 775-2453

e-mail: wsugrad@wright.edu<http://www.wright.edu/gradschool>

November 28, 2012

Bem Itiavkase
5960 Sunridge Dr
Cincinnati, OH 45224

Dear Bem:

I am pleased to inform you that you have been granted admission in a **provisional** status to the Graduate School and Raj Sooin College of Business in the MBA program for the Spring 2013 term that begins January 7, 2013. Provisional admission is granted for one term only. Before you will be permitted to register for future terms, it will be necessary for you to complete your admission requirements. Failure to do so will also result in any graduate credit received while in provisional status being changed to undergraduate credit. To complete your application, we need the item(s) listed below:

GMAT Test Score - GMAT must be a 400 or higher

You will be considered for permanent status upon completion of the above requirements.

Wright State University has issued you three personal identifiers:

University ID (UID): U00719097

Self Service Pin: (XXXXMMMDD) (Last four digits of SSN + Month and Day of Birth ex: 1234SEP 03)

Campus Account Username: w003bdi

Current WSU Clients: Use your current campus password

New WSU Clients: ####prdm (####=last four digits of your SSN)

E-Mail Address: itiavkase.2@wright.edu

Additional information about accessing university accounts and services can be found at: <http://www.wright.edu/cats/accounts/>. If you have any questions, contact the CaTS Help Desk by calling 937-775-4827 or sending an email to helpdesk@wright.edu.

Please check your Wright State E-mail account regularly. This is the University's official method of communication with you. Your semester fee bill as well as other important information will be sent to you via your Wright State E-mail account. Congratulations on your admission, and I wish you the best in your graduate studies.

Sincerely,

Amy Johnson
Associate Director
Graduate School

Director who admitted me

Exhibit 2

CASE/CLAIM NO. 2013-00715

BEM Itiavkase 'S

EXHIBIT# 2



Michael R. Evans
Director

RAJ SOIN
College of Business

MBA Programs
100 Rike Hall
3640 Colonial Glenn Hwy.
Dayton, OH 45435-0001
(937) 775-2437
FAX (937) 775-3545
michael.evans@wright.edu
www.wright.edu/business

PROGRAM – Starting Fall 2012

	Titles	Hours
<p>Foundation: These courses may be waived by MBA Advisor based on previous coursework <i>Note: MBA 5100 is also the prerequisite for MBA 5300.</i></p>		
MBA 5100	Survey of Financial and Managerial Accounting (Prerequisite for MBA 7100)	3
MBA 5200	Survey of Economics for MBAs (Prerequisite for MBA 7220) - W 630-910	3
MBA 5300	Survey of Finance (Prerequisite for MBA 7300)	3
MBA 5800	Applied Statistics in Business (Prerequisite for MBA 7800)	3
MBA 5400	Survey of Business Law (Prerequisite for MBA 7550)	1.5
<p>Core: Up to 3 Core MBA courses may be taken before finishing all Foundation courses.</p>		
MBA 7100	Accounting's Role in Strategic Value Creation - T 630-910	3
MBA 7220	Economics for Managers	3
MBA 7300	Financial Analysis and Decision Making - R 630-910	3
MBA 7500	Leadership and Ethics	3
MBA 7520	International Business: Operations and Environments - need signature S 8am-1pm	3
MBA 7600	Strategic Marketing Management	3
MBA 7800	Supply Chain Management	3
<p>Concentrations: Select at least one concentration consisting of three 3-hour courses. <i>See reverse side for details.</i></p>		9
Economics	Marketing	
Finance	Project Management	
International Business	Investments	
Management, Innovation and Change	New Venture Creation	
Healthcare Management (SOM)	Interdisciplinary Business	
<p>Capstone: Prerequisites: All Foundation Courses, Majority of the Core Courses, and Permission from the MBA Director or MBA Advisor. Must be taken in one of the last two terms. Call 775-2437 to be placed on the Capstone permission list.</p>		
MBA 7550	Competitive Strategy	3
<p>Total number of courses: 11 – 16</p>		<p>Total credit hours: 33 – 46.5</p>

Candidate: Itiavkase, Bem D
 Address: 5960 Sunridge Drive
 Cincinnati, OH 45224-2738
 USA



Test Date: 04 January 2013
 Appointment Number: 252117652

Authentication Code: 539081533

UNOFFICIAL GMAT® SCORE REPORT

	Scaled Score	Percentile
Quantitative	25	14
Verbal	21	24
Total	410	14

Minimum Requirement met →

Your Official Score Report, including your Analytical Writing Assessment score, Integrated Reasoning score and percentile rankings, will be available in approximately 20 days. Pearson VUE will send you an email message that describes how to access your score report online.

IMPORTANT: To access your Official Score Report online, you will be required to enter the Authentication Code listed above. This code will NOT be resent to you, and this is the only place in which it is printed. Please retain this score report!

The percentile ranking tables change every year, which means that your ranking may change as well. The most up-to-date version is available on <http://www.mba.com>.

You have requested that your scores be made available to the following Graduate Management Programs:

- Wright State University - College of Business and Administration - MBA, Full Time
- University of Cincinnati - Carl H. Lindner College of Business - MBA, Full Time

Please allow 20 days for a GMAT® Program to receive your Official GMAT® Score Report.

If you wish to send your scores to more programs, please visit www.mba.com, or fax or mail the Additional Score Report Request Form available in the GMAT® Handbook, or contact GMAT® Customer Service at: <https://www.mba.com/service/contact-us.aspx>
 There is a fee to send an Additional Score Report.

EXHIBIT# 4



WRIGHT STATE UNIVERSITY

Graduate School
3640 Colonel Glenn Hwy.
Dayton, OH 45435-0001
(937) 775-2976
FAX (937) 775-2433
e-mail: wsugrad@wright.edu
http://www.wright.edu/gradschool

Exhibit
4

March 6, 2013

Bem D. Itiavkase
5960 Sunridge Dr
Cincinnati, OH 45224

Dear Bem:

Reference is made to your application for graduate admissions. I regret to inform you that your application to the Graduate School has been denied. If you have questions regarding this denial please contact the Graduate Program Director of the program that you applied to. A listing of these faculty members can be found at www.wright.edu/gradschool.

Sincerely,

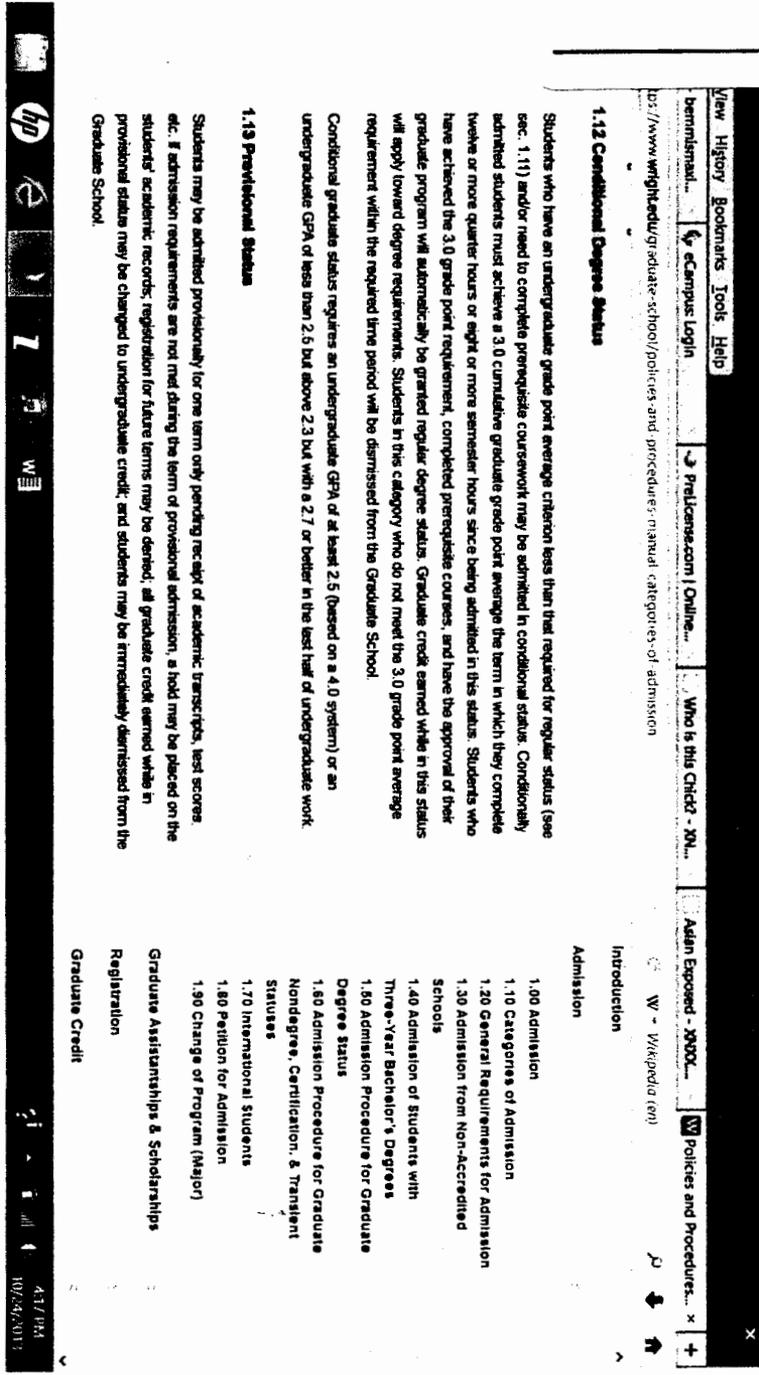
Amy Johnson
Associate Director
Graduate School

Conditional and Provisional Information

CASE/CLAIM NO. 2013-00715

B.EM Itiavkase vs

EXHIBIT# 5



1.12 Conditional Degree Status

Students who have an undergraduate grade point average criterion less than that required for regular status (see sec. 1.11) and/or need to complete prerequisite coursework may be admitted in conditional status. Conditionally admitted students must achieve a 3.0 cumulative graduate grade point average the term in which they complete twelve or more quarter hours or eight or more semester hours since being admitted in this status. Students who have achieved the 3.0 grade point requirement, completed prerequisite courses, and have the approval of their graduate program will automatically be granted regular degree status. Graduate credit earned while in this status will apply toward degree requirements. Students in this category who do not meet the 3.0 grade point average requirement within the required time period will be dismissed from the Graduate School.

Conditional graduate status requires an undergraduate GPA of at least 2.5 (based on a 4.0 system) or an undergraduate GPA of less than 2.5 but above 2.3 but with a 2.7 or better in the last half of undergraduate work.

1.13 Provisional Status

Students may be admitted provisionally for one term only pending receipt of academic transcripts, test scores, etc. If admission requirements are not met during the term of provisional admission, a hold may be placed on the student's academic records; registration for future terms may be denied; all graduate credit earned while in provisional status may be changed to undergraduate credit; and students may be immediately dismissed from the Graduate School.

Introduction

Admission

- 1.00 Admission
- 1.10 Categories of Admission
- 1.20 General Requirements for Admission
- 1.30 Admission from Non-Accredited Schools
- 1.40 Admission of Students with Three-Year Bachelor's Degrees
- 1.50 Admission Procedure for Graduate Degree Status
- 1.60 Admission Procedure for Graduate Nondegree, Certification, & Transient Statuses
- 1.70 International Students
- 1.80 Change of Program (Major)

Graduate Assistantships & Scholarships

Registration

Graduate Credit

Information recovered from WSU (Defendant) Website:

www.wright.edu/graduate-school/policies-and-procedures-manual-categories-of-admission

New requirements given after original requirements (Exhibit) revoked

CASE/CLAIM NO. 2013-00715
BEM Itiavkase 's
EXHIBIT# 6

Admission Petition Decision for Ben Itiavkase (MBA)

revoked

Friday, April 05, 2013 5:04 PM Johnson, Amy D.

I removed the hold so that you can drop the class.
Amy

Exhibit
6

Sent Items Friday, April 05, 2013 2:03 PM Itiavkase, Bem Doo

Good afternoon Ms. Johnson, I have been trying to drop one of my classes for about a month and have been unsuccessful. I was unable to get into my registration due to the block on my account. What, if anything can I do to drop this class?

one month

Thursday, April 04, 2013 5:26 PM Johnson, Amy D.

← after admission

Actions

To:
Itiavkase, Bem Doo
Cc:
Bevelhymer, Joann M.

Last day of classes April 20, 2013 denial

You replied on 4/5/2013 2:03 PM.

Dear Bem,

I have received your admission decision back from the Raj Soin College of Business. After you complete the Spring 2013 Semester and if your cumulative graduate GPA is a 3.25 or higher at then end of that term we will admit you to the MBA Program with a **Conditional Admission**.

Conditional admission means that at the end of your next nine hours of graduate work after being admitted conditionally your cumulative graduate GPA must be a 3.0 or higher in order to continue in the MBA program. If you fail to meet this requirement you will be dismissed from the Graduate School.

Please let me know when your Spring 2013 term grades have been posted and I will complete your admission process at that time.

Sincerely,

Amy Johnson
Associate Director
Graduate School

Conditional Admission

Case # 2013 - 00715

**Transcribed phone call between Michael R. Evans;
WSU representative and Bem D. Itiavkase; Plaintiff on
October 28th, 2013**

According to the Ohio Rev. Code § 2933.51, "*If you operate in Ohio, you may record a conversation or phone call if you are a party to the conversation or you get permission from one party to the conversation in advance.*"

- Mike Evans - Hey, it's Mike. Can I help you?
- Plaintiff - Hey Mike. How are you doing today?
- Mike Evans - Super.
- Plaintiff - This is Bem. I was emailing you about my admission.....
- Mike Evans - (Interrupts) Yes, yes, yes. Listen, I couldn't put a lot of stuff in Email, but here..here...here's...my thoughts, ok, and I don't remember everything, but it's been a long time for me...
- Plaintiff - (Interrupts) I understand.
- Mike Evans -but, in a general sense, when you are admitted provisional, they give you in the letter what you are supposed to get to get out of provisional.
- Plaintiff - Umm hmm.
- Mike Evans - If you look at your letter that you showed me, that said if you get a 400 or above on the GMAT, you'd be admitted.
- Plaintiff - Yes.

- Mike Evans - It didn't say anything about GPA right?
- Plaintiff - Correct.
- Mike Evans - Right. So, if you did that, you took the GMAT and got above a 400 they should have admitted you because that was the parameters of the letter.
- Plaintiff - Exactly!
- Mike Evans - Ok?
- Plaintiff - Yep.
- Mike Evans - So, the fact that they didn't doesn't make any sense. Other than, you know, new people in charge and they are making new rules. But you've got a letter so you arguably could sue them for admission, saying that, you know, you did what you were supposed to do....
- Plaintiff - Uh huh....
- Mike Evans - If not, then why did you even...why were you told that....you know
what I mean?
- Plaintiff - Yeah. Exactly.
- Mike Evans - If...if you were told at the beginning that not only do you have to get a GMAT of 400 but get a GPA of 2.5, yeah well I can't do that, you wouldn't have taken classes.
- Plaintiff - Exactly!

Mike Evans - Now...now in your case, they gave you your money back, right?

Plaintiff - Yes.

Mike Evans - Yeah, but you also spent time.....

Plaintiff - Yes

Mike Evans -but you wanted to get the degree and you could have been working on a degree somewhere else.

Plaintiff - Exactly.

Mike Evans - So...so, again, this is off the record but what I would do is, I would take those things and take that argument to the president's office.

Plaintiff - I...I already did that, they..he..he shot it down to his assistant, who shot it down to, uh, a guy named Todd Sweeney, who I think is the vice president....

Mike Evans - Robert Sweeney.

Plaintiff - Robert Sweeney....

Mike Evans - Yep.

Plaintiff - Um, who shot it down to Bill Ayres.....

Mike Evans - Yep.

Plaintiff - Who just said no...

Mike Evans - Yep, just passing the buck....

Plaintiff - Yeah, who just said no!

Mike Evans - They really didn't do anything.

Plaintiff - Yeah, nobody did anything and Amy Johnson is acting like I did the worst thing in the world. That's why, in the email, I was

telling you that as soon as I...well she said "who admitted you?" I said Mr. Evans, Mike Evans. She was like, "Oh." So what do you mean, "oh?" What does that mean? Like....

Mike Evans - Yeah.

Plaintiff - (laughing) That's why I asked....

Mike Evans - It doesn't matter who admitted you, you have a letter stating that you were admitted pending a GMAT of 400 or higher.

Plaintiff - Yes, and I did that. And when I looked into the provisional, um, the definition on the website, it says, you're..you're..uh, the provisional stands for one semester but you have to have a 3.0 or better. So I was at a 3.14, statistically.....

Mike Evans - Yeah.

Plaintiff - ...at the time I got the rejection letter.

Mike Evans - Yeah.

Plaintiff - And I told them even if I ace everything for the rest of the semester, with the last three weeks, I can't get a 2.5, and they said "sorry."

Mike Evans - Yeah, see. Again, it's one of those things. It depends on how hard you want to push something...

Plaintiff - Oh, yeah. I'm....I'm taking it...that's why I was bugging you because I thought maybe you...you'd know something or hear or heard something about..

Mike Evans - Well....no...basically when we got a new dean, she fired me....

Plaintiff - Oh!

Mike Evans - ...fired me from my position because she wanted her own people.

Plaintiff - And I knew that they did something like that and I couldn't get ahold of you because I thought you were completely gone from the university.

Mike Evans - Yeah. Yeah, well, they tried to make it that way.

Plaintiff - And that's dirty. (laughing)

Mike Evans - Yep, yeah...yeah. So, again, it depends on how hard you want to push something. Because I think if you take the letters to the lawyer...

Plaintiff - Uh huh.

Mike Evans - They're going to take a look at this and say, "this is a contract" that states right here if you take the GMAT and get a 400 or higher then you are going to be admitted into the program.

Plaintiff - Uh huh.

Mike Evans - And you did, you took the GMAT, you did exactly what you were told, you were taking classes, as far as you know, were doing well in them, you know, they can't prove that you weren't doing well in them now, cause you dropped them.

Plaintiff - Yep.

Mike Evans - So you could sue for lost, you know, just.....just the damages of time and effort.

Plaintiff - Um huh.

- Mike Evans - So....
- Plaintiff - Alrighty, yeah, I 'm working on that as well too. Um, I went to court on um, September...sometime in September....June, July, August...sometime in August, August 8th I think it was, and the lawyer said apparently their....your lawyers are apparently the Attorney General, so...so....they did some big league thing and got a continuance then got it dismissed saying it had to basically be up in Fairborn, not down here where I live. So, so....
- Mike Evans - Yeah, they're trying to.....they're just messing with you.....
- Plaintiff - Yeah, yeah! So, now I...I...have to file in Fairborn and ironically I just got the letter back from Fairborn saying that I need to....first they said I didn't sign something, so I sent it up there again, and now I just got a letter saying, "well, it's not notarized." I said, "well you guys didn't say to notarize it! You said to sign it and send it." And I did, so this will be the third time I'm sending it...just to the courts.
- Mike Evans - Wow.
- Plaintiff - So yeah. They're playing games...because I am suing them....uh, I can't sue them for time under small claims, but I can sue them for the books and the cost of the GMAT, and the interest on the loans that I had to take out so, I am trying to get three...I....I...I asked if...
- Mike Evans - Don't forget your mileage.

Plaintiff - Oh yeah, I...I...I asked Mr. Ayres about that, I said, "well, look, you guys said that I am going to get *this* and since you guys changed that, I should get my money back." And he said no!

Mike Evans - Yeah, well.....of course he is going to say no.

Plaintiff - So...and I was only asking.....

Mike Evans - This is the way I look at it, if they were going to say no to you to begin with then, why would we go ahead and tell you to go ahead and take the GMAT and start the program?

Plaintiff - Exactly.

Mike Evans - So...that's the way I look at it.

Plaintiff - Alright. Well I feel better talking to you now that I found you.
Yeah, because I...huh?

Mike Evans - Good.

Plaintiff - Yeah, so and I've been trying to talk to a lady named, um, I don't know her first name but it's *Bevelhymmer*?

Mike Evans - Yeah, yeah, yeah.

Plaintiff - She said.....

Mike Evans - New person.

Plaintiff - Yeah, her. She was on an attached....Attachment..um...when they were giving me the information on my withdraw status and my refund status so I emailed her like I emailed you, but I did this probably about a month ago, asking her if she knew why I was rejected without cause. And she said she couldn't...um...say

anything because of litigation. So then as soon as they got it dismissed, I emailed her saying....er...she said after litigation she'll tell me. So I've been emailing her probably three times more than I've been emailing you, and she hasn't responded.

Mike Evans - Yeah, yeah. That's what I've heard from a lot of people.

Plaintiff - So, it's like, I just want to know why. I wouldn't have even sued, I just want to know why. And um, Amy Johnson, and I don't even think this was a real answer, I just think she was mad, but she said, "you were rejected because you weren't supposed to be admitted in the first place."

Mike Evans - Well that's fine. That doesn't matter.

Plaintiff - Exactly! And that pissed me off.

Mike Evans - We admitted you. It doesn't matter that you weren't supposed to be. You know what I mean?

Plaintiff - Yep.

Mike Evans - You applied, you were admitted, they gave you the rules to stay in, you did that. They don't have a case.

Plaintiff - Exactly. Which is why I know their lawyers are trying to....

Mike Evans - Well, that's why they're stonewalling.

Plaintiff - Yep. Alrighty, wonderful. Well that gives me more motivation now to make sure everybody hears about this, with the exception of your name, and um, taking care of this because that's dirty what

they did to you and I knew something happened because that was a weird abrupt leaving....

Mike Evans - Yep.

Plaintiff - And um...um...Kellie, was it Kellie Kelinbrew...Kelibrew..did she go with you or...is she still...

Mike Evans - No, she had to take a different job.

Plaintiff - Ok. Yeah, because, um, because I didn't see any of her emails or her contact information either.

Mike Evans - Yep, yep, she's gone too.

Plaintiff - Alrighty, well, thank you very much for your help.

Mike Evans - Alright, good luck.

Plaintiff - Alright, thank you.

Mike Evans - Bye.

BEM D. Itiavkase;
MIKE EVANS;
Conversation:
October 28

CASE/CLAIM NO. 2013-00715

BEM Itiavkase 'S

EXHIBIT# 8

Audio

Court For:
of Claims
OHIO

WSU
Class Refund



WRIGHT STATE
UNIVERSITY

CASE/CLAIM NO. 2013-00715

BEM Itiavkase's

EXHIBIT# 9

Office of the Registrar
3640 Colonel Glenn Hwy.
Dayton, OH 45435-0001
(937) 775-5588
FAX (937) 775-5597
e-mail: registrar@wright.edu
<http://www.wright.edu/registrar/>

June 3, 2013

Mr. Bem Itiavkase
5960 Sunridge Dr.
Cincinnati, OH 45224

Dear Mr. Itiavkase,

The Refund Appeals Committee carefully reviewed your petition for Spring 2013 semester on May 24, 2013.

Based on information you provided, your petition has been approved. A 100% refund of the academic fees has been applied. Your account has been credited \$6120.00. You have no outstanding balance.

Sincerely,

Eric M. Poch
Assistant Registrar