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October 7, 2002

Walter Majoros, Director
Alaska Div. of Mental Health
and Developmental Disabilities
P.O. Box 110620
350 Main Street, Suite 217
Juneau, Alaska 99811-0620

Re: Alaska Mental Health Consumer Web "Investigation"

Dear Walter:

On October 4, 2002, I received a copy of the October 1st transmittal by Leonard Abel, Ph.D., of the September 12, 2002, "Report of Findings, Investigation of Complaints Regarding the Alaska Mental Health Consumer Web" (Report).

The "Report," is very one-sided and biased and does not acknowledge the true situation facing the organization at the time.¹ It is also inaccurate in certain respects, including what appears to be at least a couple of intentional critical omissions. I also believe that the Investigation Team did not understand how people were organized by the Former Executive Director to convey an inaccurate picture. Of course, I am hampered in addressing this situation because the specific charges or complaints and the complainants are being withheld. I understand the reason for this -- confidentiality and a reported fear of retaliation, -- but it is a fundamental violation of due process to preclude the accused from being able to rebut the charges. One of the reasons that due process requires the accused to be able to know the specific charges and his or her accusers is that it is much more likely to get to the truth. I know that Dr. Abel cannot conceive that the picture he received is inaccurate, but nevertheless I believe that it is.²

Most troubling to me, however, is the Report's purported exoneration of the Former Executive Director. Frankly, in this, the Division has demonstrated a faulty moral compass. The Former Executive Director admittedly committed forgery, which the Division is whitewashing. It is my firm conviction that this fact alone mandates termination and it is incomprehensible to me that the Division condones this behavior, which is quite probably criminal. It is sad to say that this is not the first time the Division has decided that it is unconcerned with a grantee being

¹ The "Report" is also defective in that the "Findings" section does not really contain findings, but instead merely repeats allegations.

² On June 28, 2002, I wrote an e-mail to Dr. Abel, saying that because of something that happened after Katsumi and my resignations that he was right. Upon reflection, I think that was premature and I regret sending it.

run by someone who has demonstrated a criminal level of dishonesty.³ It is also noted that the "Report" does not list most of the items that were cited concerning the Former Executive Director's unsuitability for the position.⁴ In essence, the "Report's" description of the handling of the employment status of the Former Executive Director and Ms. Kenaston's corrective actions is invalid because of its failure to fairly address the actual situation facing the organization.⁵

The "Report" also fails to accurately convey my statements and position regarding the situation. First, I am the first to acknowledge that Ms. Kenaston's way of communicating, particularly when under stress, is less than ideal and can make people very uncomfortable. I had repeatedly attempted to get her to recognize that it was creating problems and the problems would grow as the organization did. After some difficult conversations I came to realize that Ms. Kenaston was not capable of changing her mode of communication. I also came to realize that Ms. Kenaston's perception of her communication style differed from us Westerners' perception. Some of it is physical (she has a substantial hearing loss and doesn't know how loud she gets), and some of it is just the way she is. However, we have all known about Katsumi's mode of communication from long before the state awarded the grant. And I think it is noteworthy that during her tenure, the police were never called on any consumer at the Computer Connection. I don't believe the same is true in the short time since, and I also understand that it is not an unusual occurrence for the police to be called on consumers at other programs. Thus, it seems that for the Division it is unacceptable to raise one's voice to a consumer, but it is okay to have them hauled off to jail. What did happen in my interview is that I refused to characterize Katsumi's behavior as "verbal abuse," which Dr. Abel repeatedly attempted to get me to say.⁶ Ms. Kenaston's communication style may be direct and sometimes objectionable but that does not necessarily make it "abuse."

In light of the serious and substantial defects in the "Report" I am formally asking that you withdraw or rescind it.

³ I am referring to the Kodiak grantee, of course, where the person has I believe been convicted of a criminal offense involving dishonesty.

⁴ Another of the major omissions from the "Report" is that Ms. Kenaston sought and followed the advice and counsel of Jan MacLarence, an experienced non-profit administrator and former chair of the Alaska Mental Health Board, with respect to the handling of the Former Executive Director's employment status. The Division knew that Ms. Kenaston was following that advice, but the report leaves the impression that her actions were taken without proper consideration of her role. The "Report" also omits the fact that you requested that no action be taken with respect to the Former Executive Director's employment status until the "investigation" was completed.

⁵ Another major omission from the "Report" is its failure to note that after its own investigation, the new board of directors decided that the Former Executive Director should be terminated. Neither Ms. Kenaston nor I were on the board nor involved in the board's decision to terminate the Former Executive Director.

⁶ It is interesting to note that in a conversation with a consumer following the "investigation" that he said something like, "I guess it was verbal abuse that Katsumi was doing," which suggests that until the idea was presented to him, that he wouldn't have considered it such.

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As you know, my only continuing involvement in any Division funding of the Alaska Mental Health Consumer Web is as Supervising Attorney under the Consumers Counsel grant. Frankly, I am unwilling to continue working with the Division in this capacity after it has demonstrated its willingness to condone forgery by a program manager. I was unwilling to continue working in this capacity with the Former Executive Director retaining her position and it is no different now that the Division has failed so wretchedly in meeting its moral responsibility here. Therefore, unless the Division withdraws or rescinds the "Report" within thirty days, I will resign as Supervising Attorney.

Sincerely,

A handwritten signature in dark ink, appearing to be 'J. Gottstein', with a long horizontal flourish extending to the right.

Jim Gottstein

cc: Katsumi Kenaston
Jan MacLarence
Dorrance Collins
Roger Branson
Richard Rainery
Commissioner Jay Livey
Leonard Abel