

April 20, 2009

Management & Training Corp.  
500 N. Marketplace Drive  
P.O. Box 10  
Centerville, UT 84014

Dear Sir or Madam:

The Project On Government Oversight (POGO) has updated its Federal Contractor Misconduct Database (<http://www.contractormisconduct.org/>), a compilation of information from public resources regarding government contractors, including Management & Training Corp. I have enclosed the findings relevant to your company, and I am seeking verification of this data.

Any response would be greatly appreciated, as the accuracy of this information is in the best interest of all parties. Out of fairness to Management & Training Corp., please be assured that any response received by POGO will be posted on the website along with the data. Please note that the database includes pending instances, but these are kept separate from resolved instances and are not included in the totals.

If you have any questions, I can be reached at (202) 347-1122. Thank you for your time and consideration.

Sincerely,

Neil Gordon  
Investigator

Enclosure

## **Instances**

Employment Discrimination

Date: 06/20/2001 (Date of Verdict)

Misconduct Type: Labor

Enforcement Agency: Agriculture

Contracting Party: N/A

Court Type: Civil

Amount: \$472,015

Disposition: Judgment Against Defendant

Synopsis: The United States District Court for the District of Kansas awarded damages, back pay, costs, and prejudgment interest to Randall B. Godinet for intentional employment discrimination in violation of Title VII of the Civil Right Act of 1964. Godinet, a Samoan formerly employed at the MTC-operated Flint Hills Job Corps Center in Manhattan, Kansas, alleged he was denied promotions because of his race and color and was retaliated against because of his pursuit of a discrimination claim. After a week-long trial in June 2001, a jury found intentional discrimination on all claims and awarded compensatory damages totaling \$20,800, pecuniary damages of \$5,700, and punitive damages of \$150,000. The district court entered judgment consistent with the jury verdict and awarded \$21,251 in back pay, prejudgment interest of \$17,248.85 and attorneys' fees and costs of \$257,014.91. That verdict was affirmed on appeal in January 2003.

Leyba, et al. v. Santa Fe County Board of Commissioners, et al. (Unlawful Strip Searches)

Date: 07/06/2006 (Date of Settlement)

Misconduct Type: Human Rights

Enforcement Agency: Non-Governmental

Contracting Party: None

Court Type: Civil

Amount: \$8,000,000

Disposition: Settlement

Synopsis: In January 2005, a federal class action lawsuit was filed on behalf of all prisoners booked into the Santa Fe County Jail when it was run by Management and Training Corp. The lawsuit alleged that starting in January 2002, prisoners booked into the facility were illegally strip-searched and were thus deprived of their constitutional rights. As part of the settlement, MTC agreed to pay \$8 million to about 13,000 people.

Non-Payment of Wages (Texas)

Date: 01/29/2007 (Date of Press Release)

Misconduct Type: Labor

Enforcement Agency: Labor

Contracting Party: None

Court Type: Administrative

Amount: \$485,990

Disposition: Restitution

Synopsis: Management and Training Corp. paid \$485,990 in back wages to 262 current and former security guards in Raymondville, Texas, after an investigation by the U.S. Department of

Labor's Wage and Hour Division found the employees had not been properly paid, as required by the McNamara-O'Hara Service Contract Act (SCA) and the Contract Work Hours and Safety Standards Act (CWHSSA). According to investigators, between October 1, 2003 and September 30, 2005, MTC failed to pay proper overtime when employees worked beyond their schedules and also failed to pay the correct fringe benefits.

Santa Fe Jail Suicide

Date: 03/06/2003 (Date of DOJ Report)

Misconduct Type: Human Rights

Enforcement Agency: Non-Governmental

Contracting Party: None

Court Type: Civil

Amount: Undisclosed

Disposition: Settlement

Synopsis: Suzan Garcia filed a lawsuit on behalf of her son, Tyson Johnson, who hung himself in the Santa Fe County jail in January 2002 while awaiting trial on charges of stalking and aggravated assault. Johnson's claustrophobia gave him anxiety attacks and he asked to see a psychiatrist, but the jail, run by MTC, did not provide him adequate mental health care. The lawsuit settled in June 2004 for an undisclosed amount. In May 2002, the Civil Rights Division of the U.S. Department of Justice began investigating conditions at the Santa Fe County Jail. The resulting report, released in March 2003, cited numerous deficiencies in the facility and concluded that Johnson's death was the result of inadequate mental health intervention at the facility.

Martinez v. Management and Training Corp., et al. (Wrongful Death)

Date: 06/27/2006 (Date of Filing)

Misconduct Type: Human Rights

Enforcement Agency: Non-Governmental

Contracting Party: None

Court Type: Civil

Amount: Undisclosed

Disposition: Settlement

Synopsis: Dickie Ortega was beaten to death at the Santa Fe County jail in June 2004. In 2006, his family filed a wrongful death lawsuit claiming Santa Fe County and the company that formerly ran the jail, Management and Training Corp., took no steps to control rampant gang activity at the jail, including assaults by gang members on other inmates. The case was settled in March 2007 pursuant to undisclosed terms.

Sanchez v. Management and Training Corp., et al. (Violation of Civil Rights)

Date: 09/26/2006

Misconduct Type: Human Rights

Enforcement Agency: Non-Governmental

Contracting Party: None

Court Type: Civil

Amount: Undisclosed

Disposition: Settlement

Synopsis: Veronica Sanchez filed a federal civil rights lawsuit against Management and Training Corp. Sanchez alleged she was raped by other inmates at the MTC-managed Santa Fe County jail and then illegally strip-searched after she was brought back to the jail after a hospital exam. She claimed MTC, the warden and other jail employees, and Santa Fe County officials failed to adequately and safely maintain the jail. The case was settled in May 2007 pursuant to undisclosed terms.

Non-Payment of Wages (Utah, Indiana, Ohio and New Mexico)

Date: 12/16/2005 (Date of Press Release)

Misconduct Type: Labor

Enforcement Agency: Labor

Contracting Party: None

Court Type: Administrative

Amount: \$169,105

Disposition: Restitution

Synopsis: Management & Training Corp. paid \$169,105 in back wages to 393 employees at five locations in Utah, Indiana, Ohio and New Mexico. The back wages were paid pursuant to the Fair Labor Standards Act (FLSA) following an investigation by the Labor Department's Wage and Hour Division. Under supervision by the department, MTC conducted a companywide self-audit which revealed that some employees, including security personnel, were not paid for all hours worked. Violations occurred at MTC's Job Corps Center sites in Edinburg, Indiana, Clearfield, Utah, and Dayton, Ohio, and at correctional facilities in Grafton, Ohio, and Santa Fe, New Mexico.

Sexual Assault

Date: 01/25/2006 (Date of Press Release)

Misconduct Type: Human Rights

Enforcement Agency: Non-Governmental

Contracting Party: None

Court Type: Civil

Amount: Undisclosed

Disposition: Settlement

Synopsis: The American Civil Liberties Union filed a federal lawsuit against a detention officer at the McKinley County Detention Center in New Mexico, alleging he sexually assaulted two female inmates in 2003. The lawsuit claimed Detention Officer Brian Orr committed sexual abuse and cruel and unusual punishment and that the jail's acting warden, the McKinley County commissioners and the company that managed the jail, Management and Training Corp., were negligent for failing to properly train and supervise Orr. The case was eventually settled for an undisclosed amount, although one of the accusers later said she received \$55,000 as her share of the settlement. In a January 2007 criminal trial, Orr was found not guilty of sexual abuse.