

AFFIDAVIT OF SCOTT PITTMAN

I, Scott Pittman, swear or affirm that the following is true under penalty of perjury:

1. I am a long-time resident of the Santa Fe area. I now live in Santa Fe County.
2. I was a core faculty member of EcoVersity from 2001 to December 2006, when I resigned along with the four other core faculty members in protest of the mishandling of EcoVersity's affairs by board member Thomas J. Harbour and his cohorts on the board
3. My background as a teacher is in permaculture, which is a design system for creating sustainable human environments. I studied and then taught with Bill Mollison, the Australian founder of the permaculture movement. I have taught permaculture courses with Bill Mollison and on my own on every continent except Antarctica.
4. I met EcoVersity founder Frances Harwood, who went by the nickname "Fiz," in 1994. That year, she took two permaculture courses Bill Mollison and I taught, one in Brazil and one in Santa Fe. After Fiz founded EcoVersity in 1999, she asked me to anchor its permaculture educational program, the centerpiece of its mission to teach sustainable living to students and the broader community. Beginning in 2003, I helped to recruit faculty to teach EcoVersity's Earth-Based Vocation program, an intensive ten-week course in permaculture design and application, and I helped to develop the EBV program's curriculum with the other core faculty members and EcoVersity's then- Academic Dean, Amy Pilling.

5. I have known Thomas J. Harbour since the early 1980's. Mr. Harbour was Fiz Harwood's bookkeeper. After she died of cancer in July 2003, he became the executor of her estate. Within a few weeks of Ms. Harwood's death, I learned that Mr. Harbour had secured positions on the boards of directors of both EcoVersity and Prajna Foundation. Prajna is EcoVersity's sister non-profit corporation which Fiz founded and endowed with several million dollars to distribute funding to EcoVersity and other grass-roots, non-profit institutions. Mr. Harbour had not held a seat on the board of either EcoVersity or Prajna before Fiz's death. Mr. Harbour does not have any background or education in permaculture or sustainable living. He has not made any appreciable effort to gain such understanding since he joined the EcoVersity and Prajna boards within days of Fiz Harwood's death in 2003.

6. Mr. Harbour goes by several aliases. His given name is "Thomas J. Harbour." He also uses the name "Jeff Harbour." He assumed the name "Rimpoche Harbour." "Rimpoche" is an honorific title given to certain enlightened Tibetan Buddhist teachers, though Mr. Harbour gave this name to himself. He abbreviates "Rimpoche" to the nickname "R.P", which is what he prefers that people call him and is the name that most people know him by and call him, at his own request.

7. EcoVersity and Prajna have had at most three people serving on their boards of directors at any one time, of which Mr. Harbour is the only person to sit on both boards. Mr. Harbour has occupied the position of President of both boards and he is now the Treasurer of Prajna Foundation. In this post, he controls the funding which Fiz Harwood intended would enable EcoVersity to blossom and grow into a nationally-recognized incubator of ideas and leadership in the field of sustainable living and permaculture. Mr. Harbour has been the dominant figure in the two non-profit corporations since immediately after Fiz Harwood's death in July 2003. Instead

of easing the natural progression of EcoVersity's maturing, Mr. Harbour has purposefully obstructed the fulfillment of EcoVersity's mission every step of the way. He has stood in the way of EcoVersity's progress to the point that as a direct result of his continued role, the school now has no course offerings to speak of and qualified teachers or staff will no longer contribute their talents so long as he remains associated with EcoVersity or Prajna.

8. At the request of EcoVersity's board in 2003, I was a participant in the core faculty's preparation of a master plan for EcoVersity and its 11-acre campus, located at 2639 Agua Fria in Santa Fe. Fiz Harwood had envisioned such a master plan to guide the development of EcoVersity's programs and campus before she died. A master plan was necessary to enable the core faculty to fulfill our teaching responsibilities because our hands-on pedagogical method required us to teach our students how to build structures. In addition to enrolled students, EcoVersity attracted a large number of volunteers from the Santa Fe community who were eager to assist in such building projects. The faculty and administration needed to have a roadmap, approved by all, including the City planning office, to be able to embark on our teaching projects. Only an agreed-upon and approved master plan could provide us the clarity and direction we needed.

9. The master plan which I helped to devise was the second of four iterations of a master plan, all of which Mr. Harbour, as the dominant EcoVersity and Prajna board member, squashed. Regenesys, a Santa Fe-based consulting firm, spent a lot of time preparing the first master plan under the direction of two its principals, EcoVersity board member Marie Wilkinson and core faculty member Joel Glanzberg. At a certain point, Mr. Harbour fired this firm. The EcoVersity board then turned to the faculty for our ideas, which I contributed, for the most part, *gratis*. When Mr.

Harbour resisted the faculty's proposed master plan, the EcoVersity board hired a paid facilitator, Ann Nelson, to try to negotiate modifications to the faculty's proposal that would meet with Mr. Harbour's approval. The core faculty and Ms. Nelson presented this third version of the master plan to Mr. Harbour and one of the two other EcoVersity board members, George Clark, and the faculty also invited comments from friends of EcoVersity. In the end, Mr. Harbour rejected this proposal, too. Finally, he hired the former director of the Santa Fe County and City Planning Departments, a gentleman of Iranian extraction whose name is Cyrus Sami, to come up with a master plan. To my knowledge, Mr. Harbour nor the board ever accepted Sirius's proposal, either.

10. The various proposals for a master plan provided for the development of a campus setting, in keeping with EcoVersity's non-profit educational mission. Mr. Harbour was interested, instead, in turning the place into a business park and Mr. Clark, who was in the real estate business, wanted to erect a residential subdivision.

11. As a result of Mr. Harbour's blocking all proposals for a master plan, when he decided to renovate some of EcoVersity's buildings in late 2006, both the Santa Fe City Planning Office and the New Mexico State Construction Industries Division red-tagged the construction. Mr. Harbour had failed to apply for permits and the renovations underway violated numerous electrical, plumbing and structural engineering regulations.

12. In my opinion, Mr. Harbour put an end to all of the proposed master plans because he is uneducated and ill-informed about EcoVersity's mission of teaching permaculture and sustainable living; he wrongly, perhaps fraudulently and unlawfully, seized control of both EcoVersity and Prajna, as described above and below; he is narrow-minded and afraid to give life to a vision that is broader than he is

capable of controlling himself; and he is bent on holding onto EcoVersity and Prajna no matter what damage he wreaks upon them, to the detriment of the public-spirited purposes to which Fiz Harwood so generously dedicated them.

13. Differences between Mr. Harbour, on the one hand, and the EcoVersity faculty and administration, on the other, culminated in the autumn of 2006. In November 2006, the five core faculty members signed a letter demanding that Mr. Harbour accede to changes that were necessary to allow us to engage in our teaching responsibilities and EcoVersity to fulfill its mission of educating the public about sustainable living and permaculture. (Note that the faculty members did not seek more pay or better personal perks; we were requesting that Mr. Harbour free up his stranglehold on ideas and funding to enable EcoVersity to grow in a rational, foreseeable, and manageable way, for the benefit of the entire community.). The faculty requested that Mr. Harbour relinquish some or all of his affiliations with EcoVersity and Prajna. When he declined to do so, we submitted our resignations *en masse*.

14. The two non-profit corporations EcoVersity and Prajna have a joint members' committee consisting of nine people. These individuals were all hand-selected by Mr. Harbour. Around the time of our resignations in December 2006, the five core faculty members sent a letter explaining our position to the nine members of the EcoVersity and Prajna joint members' committee. This letter, which reminded them of their responsibility to oversee the operations of the EcoVersity and Prajna boards, did not elicit any response from any of these individuals. I initiated phone conversations with two of the members of the joint members' committee: Colleen Kelly, who is also a member of the board of directors of Prajna, and Aaron Stern. Ms. Kelley told me that as a condition of her accepting Mr. Harbour's invitation to join the

Prajna board in 2004, he had assured her that she would not have to play an active part. Mr. Stern told me that he "did not know enough about the issues" to be able to discuss the faculty's letter sent to him.

(Mr. Stern has since resigned from the EcoVersity and Prajna Members' Committee.)

16. As to why and how Mr. Harbour has been able to hold onto control of the EcoVersity and Prajna boards for so long, my explanation is three-fold. First, he has intimidated and "bought off" a number of people. For instance, the former Academic Dean of EcoVersity, Amy Pilling, appointed by Fiz Harwood and forced from office by Mr. Harbour after Fiz's death, was frequently in tears when I saw her on the EcoVersity campus. Mr. Harbour was incredibly rude and overbearing towards her and the other staff. I am also aware that he behaved in a threatening manner towards the third EcoVersity board member, Marie Wilkinson. Also appointed by Fiz Harwood, Ms. Wilkinson has resigned her position on the EcoVersity board. The second reason Mr. Harbour has remained in office is that he has served as bookkeeper to several key people, such as [REDACTED], who may be afraid to challenge him for fear that he may, in response, put in jeopardy the privacy of their financial affairs. Mr. Harbour may have asked [REDACTED] to join him on the Prajna board with this very consideration in mind. Third, Mr. Harbour seems to hold some position of social importance in a small circle of Santa Fe Buddhists, to which others who might have the standing to challenge him also belong, making them reluctant to break with him.

17. After Mr. Harbour and the board of EcoVersity terminated the employment of my wife Arina as Executive Director in November 2006, the Assistant Director, Fran Cole, resigned along with the core faculty. Another staff member, Chris Elder, left around that time.

18. Mr. Harbour's micro-management of EcoVersity's affairs is comprehensive. No money was spent without his approval. He made bad decisions

throughout, including investing in a database which later proved to be useless. It is because of his misdirection and interference that qualified staff and teachers will no longer work at EcoVersity so long as he remains associated with it.

19. Because of Mr. Harbour's destructive role, I had meetings with Amy Pilling, the Academic Dean, and Marie Wilkinson, the third EcoVersity board member, as far back as 2004 trying to figure out a way to get him to refrain from interfering with EcoVersity's operations and forward progress, to no avail.

20. On separate occasions, Mr. Harbour and George Clark told me that the Clarks, who were then married, had been business partners of Fiz Harwood and owed her money. Fiz gave George a seat on the EcoVersity board and Joan a seat on the Prajna board consequent to their business relationship. Mr. Harbour, as executor of Fiz Harwood's estate, got the estate to purchase the Clark's interest in an office building on the EcoVersity campus which houses the Whole Life Clinic. I do not understand how Mr. Harbour, as executor, could have ended up paying the Clarks money when they are the ones who owed Fiz's estate money. I question whether this transaction was conducted at arm's length and for full value. It is also surprising to me to learn that Mr. Harbour paid the Clarks an additional \$15,000 each as a gift from Fiz Harwood's estate.

21. Sibyl Harwood, Fiz's sister, told me that Mr. Harbour had brought in the law firm of Barlow & Wilcox to manage Fiz's estate. This law firm had not represented Fiz before. I have since learned that the Barlow & Wilcox law firm also prepared the will which Fiz signed six days before she died of cancer, when she was already incapacitated in the hospital, and which will conferred on Mr. Harbour the means to take control of EcoVersity and Prajna after Fiz's death. Since Fiz was a wealthy woman with sharp business acumen, I assume that she had plenty of

competent and trustworthy lawyers she could have called on, rather than Mr. Harbour's proffered firm of Barlow & Wilcox, had the idea of signing a new will days before she died been hers.

22. Mr. Harbour told me that Fiz Harwood had an ownership interest in a Picasso painting which he elected not to pursue on behalf of her estate.

23. I do not have first-hand knowledge of the exact manner in which Mr. Harbour landed a position on the boards of EcoVersity and Prajna right after Fiz Harwood died. I can say that Fiz was too intelligent and canny, in her right mind, to have allowed someone like Mr. Harbour to take control of her pet projects, to which she left the residue of her estate amounting to several million dollars. I recall that one member of the Prajna board, Joan Townsend, resigned her position in a huff not long after Fiz's death because Ms. Townsend felt uncomfortable owing to her proximity to Mr. Harbour and questions about his handling of Fiz's financial affairs.

24. I have been an advocate for the environment and sustainable living and an activist in New Mexico for over twenty years. I have deep roots in the community of people who share these values and interests. Mr. Harbour's misdeeds and mishandling of Fiz's estate and the two non-profit corporations she intended to benefit from it are well known. Virtually everyone I know in the environmental and sustainable living communities believes that Mr. Harbour has had a damaging, destructive effect on EcoVersity and should depart from it and Prajna, whether he wants to or not. Fiz Harwood would be aghast at the decimation he has wrought on her legacy.

Further your affiant sweareth or affirmeth naught.

Scott Pittman
Scott Pittman

7/19/07
date

STATE OF NEW MEXICO)
COUNTY OF Santa Fe) ss.

The foregoing instrument was subscribed and sworn or affirmed before me on
this 19 day of July 2007.

Terry Lovato
NOTARY PUBLIC

My commission expires on 7/5/10

