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DEPUTY

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8 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
9 **IN AND FOR THE COUNTY OF WASHOE**

10 CATHERINE CORTEZ MASTO, Attorney
11 General of the State of Nevada,
12
13 Plaintiff,

14 vs.

15 WASHOE COUNTY SCHOOL DISTRICT;
16 and its TRUSTEES: President Barbara
17 Clark, Barbara McLaury, Howard
18 Rosenberg, John Mayer, Dave Aiazzi, and
19 Lisa Ruggerio, in their individual and
20 representative capacities as District
21 Trustees.

22 Defendants.

CASE NO. **CV14 01874**
DEPT. NO. *15*

COMPLAINT: NRS 241.037

(All relief available by Law including
criminal penalties, monetary fines, as
deemed proper by this Court)

19 COMES NOW the Plaintiff, Catherine Cortez Masto, Attorney General of the State of
20 Nevada, by and through George H. Taylor, Senior Deputy Attorney General, and hereby
21 complains as follows:

22 I.

23 **JURISDICTION AND PARTIES**

24 1. Plaintiff herein is the duly elected Attorney General of the State of Nevada with
25 her principal office located in Carson City, Nevada.

26 2. The Attorney General has statutory authority to investigate and prosecute
27 violations of Nevada's Open Meeting Law (OML). NRS 241.037(1). The Attorney General has
28 statutory authority to seek avoidance of actions taken by public bodies and/or seek injunctive

1 relief against a public body or person, and to require compliance with or prevent violations of
2 the provisions of the OML. NRS 241.037(1).

3 3. This Court has jurisdiction of this civil action pursuant to NRS 241.037(1).

4 4. Injunctive relief may be issued without proof of actual damage or proof of
5 irreparable harm sustained by any person. NRS 241.037(1)(a).

6 5. The Attorney General has authority to investigate and prosecute any violation of
7 Chapter 241 of the Nevada Revised Statutes. NRS 241.039.

8 6 At all times relevant to this Complaint, Defendant Washoe County School District
9 was a public body within the meaning of NRS 241.015(4).

10 7. At all times relevant to this Complaint, Defendants Barbara Clark, John Mayer,
11 Lisa Ruggerio, Dave Aiazzi, and Howard Rosenberg were Trustees of the Washoe County
12 School District.

13 8. The allegations in this Complaint that Defendants violated various provisions of
14 the OML arose in Washoe County, State of Nevada.

15 9. This Complaint was filed within the applicable limitations period in
16 NRS 241.037(3) for a suit to void an action and/or for injunctive relief.

17 II.

18 **OPEN MEETING LAW**

19 10. A public body "meets" when a quorum of the body is present to deliberate
20 toward a decision or to take action on any matter over which the public body has jurisdiction,
21 supervision, control, or advisory power. NRS 241.015(3)

22 11. All meetings of public bodies must be open and public, and all persons must be
23 permitted to attend any meeting of these public bodies. A meeting that is closed pursuant to a
24 specific statute may only be closed to the extent specified in the statute allowing the meeting
25 to be closed. NRS 241.020(1).

26 ///

27 ///

28 ///

1 The meeting was to continue after lunch, but President Clark called a "legal meeting" (non-
2 meeting) excluding the public and employees except for the District Counsel and
3 Superintendent Pedro Martinez.

4 18. At a break in the morning session at about 11:00 a.m., President Clark
5 accompanied by Randy Drake, District Counsel, asked Superintendent Pedro Martinez if she
6 could see him in his office. In his office she informed Superintendent Martinez that there was
7 an allegation against him that he was not a Certified Public Accountant.

8 19. President Clark called a legal meeting (non-meeting: NRS 241.015(b)(3)(2)).

9 20. Trustees met with Superintendent Martinez in a non-meeting on the afternoon
10 of July 22, 2014. Counsel began the meeting by informing the Trustees and Mr. Martinez, that
11 he had investigated an allegation that the Superintendent was not a C.P.A., by gathering
12 information from sources in Illinois, where the Superintendent previously was employed.

13 21. Trustees and the Superintendent discussed the requirements of being a C.P.A.
14 in Illinois in 1992. President Clark stated she was unaware of the difference in holding a
15 certificate and being a licensed C.P.A. Trustees Aiazzi and Ruggerio both indicated that this
16 allegation was a serious matter.

17 22. Superintendent Martinez left the meeting then returned to the Board Room with
18 a document indicating he held a Certified Public Accountant Certificate from the University of
19 Illinois from 1992. The Superintendent left the Trustee meeting and returned to his office.

20 23. After the Superintendent left, the Trustees decided that they would terminate the
21 Superintendent's contract and ask him to resign. Trustees and Counsel then went to the
22 Superintendent's office to tell him they wanted him to resign. When Superintendent Martinez
23 demanded that the Trustees follow separation clauses in his contract the officers left and
24 returned to the meeting with the other Trustees.

25 24. After the Trustees returned to their private meeting room, they decided to offer
26 the Superintendent a deal in exchange for his voluntary resignation and immediate departure.

27 25. Counsel made at least two visits to the Superintendent's office over a period of
28 an hour and a half to two hours. Superintendent Martinez was told the Trustees were willing

1 to pay money to secure his immediate departure. They made monetary offers for a voluntary
2 resignation, each of which increased the dollar amount. First it was increased to \$100,000
3 and then in a second offer to \$200,000. Superintendent Martinez declined all offers.

4 26. Following Superintendent Martinez' rejection of Trustee's demands for voluntary
5 resignation, Chief of Staff Kristen McNeel and Deputy Superintendent Traci Davis were told by
6 the President Barbara Clark that "You no longer report to Pedro. He's no longer your
7 superintendent."

8 27. Superintendent Martinez was in his office standing next to Randy Drake when
9 Traci Davis came to the office. Superintendent Martinez told her that the Board had fired him.
10 Barbara Clark entered the office at that time and told Ms. Davis that she no longer worked for
11 Superintendent Martinez, that he is not your boss. Ms. Davis then left the office.

12 28. Later Kristen McNeel and Traci Davis were summoned to the Superintendent's
13 office where they were again told by President Clark that they did not report to Superintendent
14 Martinez and also that Superintendent Martinez had been relieved of his duties – immediately.

15 29. President Clark addressed the Superintendent's leadership team that same
16 afternoon at about 4:30 in which she told them Superintendent Martinez no longer worked for
17 the District. This message meant he had been fired.

18 30. President Barbara Clark addressed Superintendent Martinez' Leadership team
19 (Deputy Superintendent, Chief of Staff, etc.) at about 4:30 on the afternoon of July 22, 2014,
20 informing them that the Superintendent had been relieved of duties and that his deputy and
21 Chief of Staff would take over the Superintendent's duties. McNeel and Davis and the
22 Leadership team knew that the Trustee's decision was final and permanent.

23 31. Before Superintendent Martinez left the building he asked Kristen McNeel to go
24 to the District's interim police chief's office to tell him not to come to his office to escort him
25 out. Many employees had heard Superintendent Martinez was to be escorted from his office
26 by the District police. He had been fired.

27 32. President Clark, surrounded by several Trustees, held video press conference
28 on July 22, 2014, in which she announced the Superintendent had been relieved of his duties.

1 She stated that the decision had been made that day. She was asked what the Board would
2 do for a permanent replacement. She stated that the Trustees would meet shortly to decide
3 whether to do an interim replacement and later decide what their next steps would be. She
4 was asked if she had a candidate in mind; she replied that they had not even begun those
5 discussions.

6 33. On July 23, 2014, President Clark released a statement that an item for the
7 Trustees July 29, 2014, public meeting had been requested so that the Board could consider
8 and take possible action regarding Superintendent Martinez' employment contract with the
9 District.

10 34. On July 25, 2014, President Clark released a statement in which she stated that
11 item 3.01 on the Board's July 29th Board meeting had been pulled, but would be rescheduled
12 in August.

13 35. On July 31, 2014, President Clark released a statement, on advice from outside
14 counsel, that the Board understands that last week's actions may be void under Nevada law,
15 and the Trustees have agreed that last week's events are void. Clark went on to say Martinez
16 should return to work immediately. He returned to work on Friday, August 1, 2014.

17 36. Superintendent Martinez did not receive notice that his character, misconduct or
18 professional competence would be discussed by the Trustees in private. The agenda for the
19 meeting on July 22, 2014 did not have an item describing the matters that were discussed by
20 the Trustees nor did any item inform the public that the Trustees would take action several
21 times in private before eventually firing the Superintendent.¹

22 **CLAIMS FOR RELIEF**

23 (All relief available by Law including criminal penalties,
24 monetary fines as deemed proper by this Court)

25 37. Plaintiff incorporates by reference, as though fully set forth herein, all of the
26 allegations of Paragraphs 1 to 36.

27
28 ¹ Investigation interview transcripts for each of the Trustees named herein which support the foregoing
factual assertions are attached hereto as exhibits.

1 definition of "meeting" in NRS 241.015 when they held a personnel session in private to
2 discuss matters unrelated to litigation or potential litigation.

3 **COUNT II**

4 (NRS 241.040(4))

5 44. Trustees final determination to take the matter to a public meeting was action
6 concerning Superintendent's character, alleged misconduct and professional competence.
7 This action under the guise of a "legal meeting" with Superintendent Martinez present violated
8 fundamental notice and agenda provisions of NRS 241.033(1),(2) and NRS 241.031(1).

9 **COUNT III**

10 (NRS 241.040(4))

11 45. Superintendent Martinez was asked to attend the "legal meeting." His presence
12 in a legal meeting is prohibited by statute. NRS 241.015(3)(b)(2). The enactment of authority
13 for a "non-meeting" to receive information from the District's attorney and to deliberate on that
14 information does not allow the public body to consider personnel matters. The presence of
15 the Superintendent and discussion of his legal status as a Certified Public Accountant is a
16 serious and knowing violation of the public trust.

17 **COUNT IV**

18 (NRS 241.040(4))

19 46. At some point during the Trustee's private meeting to discuss anonymous
20 information regarding Superintendent Martinez C.P.A. status, the Trustees decided to
21 terminate the Superintendent's contract with the District. After returning to their Board Room
22 the Trustees, and each of them, decided to go back and negotiate his resignation. Their
23 decision constituted action in violation of NRS 241.020. Trustees took action without notice
24 and agenda. "Action" includes commitments or promises among the members of a public body
25 as well as formal votes.

26 ///
27 ///
28 ///

1 3. That this Court find that each named Trustee knowingly participated and took
2 action in private with the goal of terminating Superintendent Martinez contract in violation of
3 the OML.

4 4. That this court fine each Trustee up to \$500.00 per count for deliberate and
5 knowing violations of the OML. NRS 241.040(4).

6 5. That this Court find that Board President Clark, before calling a legal meeting,
7 did not determine whether the discussion of Superintendent Martinez' legal status as a
8 Certified Public Accountant, and subsequent deliberation towards termination of
9 Superintendent Martinez' contract, was authorized by a "legal meeting."
10 NRS 241.015(3)(b)(2).

11 6. That the Court find that the Trustees met in private on July 22, to deliberate
12 and/or make the decision to terminate the employment of WSCD Superintendent of Schools
13 Pedro Martinez.

14 7. That the Court find that six Trustees deliberated in private without benefit of
15 notice or agenda on July 22, 2014.

16 8. That this Court find that the Trustees violated NRS 241.031, when on
17 July 22, 2014 six Trustees, following private deliberations in which the Trustees deliberated on
18 Superintendent Martinez' professional competence, character, and misconduct as related to
19 the Superintendent's status as a Certified Public Accountant, took action - whether by
20 consensus or vote - and made two financial offers to Superintendent Martinez to voluntarily
21 resign.

22 9. That this Court find Trustees' private deliberations, discussions, and actions on
23 July 22, 2014, authorizing a negotiation with Superintendent Martinez to voluntarily resign
24 constituted action in violation of the NRS 241.020 and is void.

25 10. That the Trustees' private meeting on July 22, 2014, violated the OML's
26 prohibition against closure of public meetings in the absence of specific statutory authority.

27 11. That this Court otherwise grant Plaintiff such further and other relief as is just
28 and appropriate under the circumstances.

AFFIRMATION PURSUANT TO NRS 233B.030

The undersigned does hereby affirm that the preceding COMPLAINT UNDER NRS 241.037 filed in the First Judicial District Court of the State of Nevada does not contain the social security number of any person.

DATED this 2nd day of September, 2014.

CATHERINE CORTEZ MASTO
Attorney General

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Exhibit 1

Exhibit 1

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
RENO, NEVADA

TRANSCRIPT OF ELECTRONICALLY-RECORDED INTERVIEW

BARBARA CLARK

AUGUST 5, 2014

RENO, NEVADA

Transcribed and
proofread by:

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RENO, NEVADA, TUESDAY, AUGUST 5, 2014, 3:05 P.M.

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MS. DAVIES: Today's date is August 5th, 2014. The time is approximately 3:05 p.m. This is an interview taking place at the law office of Kent Robison at 71 Washington Street in Reno.

Present in this interview is myself, Jennifer Davies, deputy chief investigator, Kent Robison, Mike Malloy -- is it Malloy?

MR. MALLOY: Malloy.

MS. DAVIES: Why did I just have a --

MR. MALLOY: You started to put an N or an R there.

MS. DAVIES: I was going to say something like that. Mike Malloy and Washoe County School District president Barbara Clark.

MS. CLARK: Correct.

BY MS. DAVIES:

Q. Barbara, you are aware that I'm tape recording this?

A. Yes.

Q. And I have your permission to do so?

A. Yes.

Q. Okay. So what I want to do is just go through

1 the events that took place, I know it was a long emotional
2 day, but the events that took place on the 22nd. And I'll
3 kind of maybe stop you a little bit in and we'll kind of
4 dissect and get a little bit more specific.

5 A. Okay.

6 Q. So, if you can just tell me from the start of
7 that morning and start to go through what happened.

8 A. I believe in the morning portion that vice
9 president Barbara McLaury and I and Randy Drake met with
10 Pedro, indicated that we had -- someone had called and
11 indicated that they weren't sure that Pedro was a CPA and we
12 had done some brief investigation, some investigation that
13 indicated he was not a CPA and wanted to hear what he had to
14 say.

15 Q. Okay. And you say we in terms of a brief
16 investigation, who is "we"?

17 A. The -- Randy.

18 Q. Okay.

19 A. And our internal auditor.

20 Q. Okay. Did you have --

21 A. Who received the -- the information.

22 Q. Okay. So, it was the anonymous complaint or the
23 complaint, the allegation came in through the auditor?

24 A. Correct.

25 Q. And then did the auditor bring it to your

1 attention?

2 A. Correct.

3 MR. ROBISON: Can I approach?

4 MS. DAVIES: Sure.

5 MR. ROBISON: I think there's some information
6 about the identity of this anonymous source. I just wondered
7 if you know that.

8 MS. DAVIES: And I was going to ask that
9 eventually, yes.

10 MS. CLARK: I don't believe it's anonymous.

11 BY MS. DAVIES:

12 Q. Okay. So, let me back up just a little bit.
13 When you and Vice President McLaury and Randy Drake spoke with
14 Pedro, had this been before you had called a legal meeting?

15 A. Yes.

16 Q. Okay. So, this is at the very beginning of
17 the -- of the morning?

18 A. Yes.

19 Q. Okay. I just wanted to make sure I was clear of
20 kind of our time frame, so.

21 So, you meet with -- with Pedro and tell him that
22 there had been this complaint that he was not a CPA and he was
23 purporting himself to be. What was discussed in that initial
24 meeting?

25 A. He indicated that, you know, he didn't know, said

1 he was -- never said he was a licensed CPA, it was very short.

2 Q. Okay. And did you --

3 A. He didn't give much information, didn't seem to
4 be too concerned.

5 Q. Pedro didn't seem to be too concerned?

6 A. Correct.

7 Q. Okay. Did you inform him that you had done a
8 brief internal investigation to --

9 A. Yes.

10 Q. Okay. So, then -- then what happens?

11 A. Then we go back and we have a meeting on board
12 docs.

13 Q. Okay.

14 A. And then I talked with Randy about whether or not
15 we could call a legal meeting because it's not my role as an
16 individual trustee to see whether or not this was an issue
17 with the board or not, so we went ahead and called a legal
18 meeting. And at that point I indicated that this had arisen.
19 Pedro was with us in the room.

20 Q. Okay.

21 A. He indicated it was fine to have this
22 conversation regarding this issue. And Randy told a little
23 bit about the facts that had been found through the
24 investigation with Illinois, whatever groups handles CPA. And
25 then I said to Pedro, Pedro, do you want to talk about what

1 your feeling is regarding this and he did. And --

2 Q. And what was his response?

3 A. You know, he was upset. I didn't know. I never
4 signed the document, an audit, no big deal, I'll just go out
5 and talk to the public, they'll listen to me. I never said I
6 was a licensed CPA.

7 He went and got this document from his office on
8 saying that -- about being a CPA. And I think there was some
9 questions, you know, about -- about that and why does the
10 Illinois say that you're not, you can't call yourself that.
11 You know, he was kind of upset.

12 Q. Okay.

13 A. And then he left. We had a feeling that we
14 really needed to take this to a public board meeting and have
15 a discussion regarding it.

16 Q. So, you had mentioned something just a minute ago
17 that you didn't feel that it was your individual -- as a
18 trustee it was your individual right to -- I don't want to mix
19 up your words --

20 A. Well, the -- the --

21 Q. About calling --

22 A. -- school district board operates as a whole.
23 It's the majority of, you know, it's a voting body that
24 operates as a whole. As chair I feel my role as a
25 facilitator. I don't make decisions on behalf of the board,

1 it's always a joint decision.

2 Q. Okay.

3 A. So, I would not ever make a decision on my own.
4 I might -- a decision is yes, we're going to put out this
5 agenda or this, but something, you know, I don't do that.

6 Q. Okay. Let me just -- how do you as the president
7 get elected or chosen from the board?

8 A. In January our first meeting of the year we do an
9 election.

10 Q. Okay. From within the board, within those
11 trustees?

12 A. Correct.

13 Q. Okay. And so those trustees then elect you as
14 president, Barbara McLaury as vice president and Lisa Ruggerio
15 as clerk?

16 A. Correct.

17 Q. So is there anything different that you as an
18 officer hold that the trustees who are not officers do not?
19 Is there anything besides facilitating meetings or -- I mean,
20 I'm trying to --

21 A. Signing documents.

22 Q. Okay.

23 A. The agendas, I'm trying to remember what the list
24 is.

25 Q. Okay.

1 A. If something needs to be done in between
2 meetings, that needed to be done right away.

3 MR. MALLOY: You preside over the meetings.

4 MS. CLARK: I preside over the meetings.

5 BY MS. DAVIES:

6 Q. So, those would be your responsibilities as
7 president that one of the -- just trustees that is not an
8 officer would not?

9 A. In my absence the vice president would.

10 Q. Okay.

11 A. In the absence of the vice president the clerk
12 would. In the absence of those three somebody else would.

13 Q. Okay.

14 A. Facilitate the meeting if there was a quorum.

15 Q. Okay. So, then are you the individual who then
16 actually gathered the trustees and the other officers after
17 that board docs meeting to say we need to have a legal
18 meeting?

19 A. Yes.

20 Q. Okay. And were you the individual who said --
21 who told the group this is the concern, this is our issue?

22 A. I indicated that there was a concern, that it was
23 someone had called and indicated that Pedro may not be a CPA.

24 Q. Okay.

25 A. That there was again an initial investigation

1 with the authorities back in Illinois who said he was not and
2 could not. Then I asked Randy, because Randy had also called
3 as part of the investigation. If he had anything further he
4 wanted to say and -- he made a few remarks and then I asked
5 Pedro, I said Pedro, what would you like to say?

6 Q. Okay. And that's when Pedro showed you his
7 certificate, didn't seem too concerned. And -- and what else
8 did he say?

9 A. I guess what I want to say concerned is he -- he
10 didn't seem concerned that there was an issue with calling
11 yourself a CPA.

12 Q. Okay. Okay. So, after this part of the meeting
13 what happened?

14 A. So, he had left and the feeling was that we
15 needed to have a public board meeting. So, going to go back
16 and convey that.

17 Q. And you speak of "he"?

18 A. We -- or --

19 Q. Okay.

20 A. -- the attorney and I and then the vice president
21 and clerk decided that we would go together as officers and
22 the attorney.

23 Q. Okay.

24 A. So, we went into Pedro's office.

25 Q. Okay.

1 A. Indicated that we felt that this information
2 needed to be discussed and that we were going to post an open
3 board meeting with this as one of the items on it. You know,
4 I don't know whether it was going to be amongst other things
5 or something, whatever, but --

6 Q. Okay. Were you the one who told Pedro, did --

7 A. I did.

8 Q. Okay. So, you told Pedro that -- that the board
9 felt that this information needed to be discussed and that you
10 were going to have a public meeting regarding these issues?

11 MR. ROBISON: Had it been discussed at a public
12 meeting.

13 MS. DAVIES: Yes.

14 MS. CLARK: Had it been discussed at a public
15 meeting, yes.

16 BY MS. DAVIES:

17 Q. Okay. What was Pedro's response at that point?

18 A. He instantly -- I believe he instantly brought up
19 his contract.

20 Q. Okay.

21 A. And said, you know, something about having an
22 open meeting or something along that way, along that line.
23 So, I yeah, I can't -- let me back up. I think he said --
24 sorry, all of a sudden I'm going blank.

25 Q. That's okay, take your time. Take your time.

1 A. You know, he was concerned about the open
2 meeting. He was upset. At some point, and sorry, I don't
3 know whether this was before he brought up about his contract
4 or sometime during that thing he said, you know, I'm going to
5 call the governor, I'm going to call Arnie Duncan, the public
6 won't be behind you.

7 And then it seemed to me that fairly quickly and
8 truly, you know, it was kind of traumatic because of his
9 reaction when, you know, I thought it was going to be simple
10 about we're telling you we're going to have this open meeting.
11 He started in on talking about his contract.

12 Q. And what was he saying about his contract?

13 A. That, you know, he wanted -- he felt that his
14 contract, you know, he needed to be -- there was notice for
15 meetings.

16 Q. Okay.

17 A. Something about the notice of how long meetings
18 would take, something about if you were going to talk about
19 acts that would -- you'd have to notice this or if you're
20 going to talk about why you'd have to notice this.

21 Q. Okay. So, he brings up the issue of his
22 contract. What is -- what is your --

23 A. About noticing -- in relation to noticing the
24 public meeting.

25 Q. Okay. What is your response or what do you say

1 in response to that to him?

2 A. Well, it was really I think the attorney that
3 responded.

4 Q. Okay.

5 A. You know, he -- I don't remember exactly what
6 Randy said, but he was getting more and more agitated.

7 Q. And --

8 A. And at some point during that conversation he
9 started talking about --

10 MR. ROBISON: Say who said --

11 MS. CLARK: -- I'm sorry, Pedro. Superintendent
12 Martinez was getting more and more agitated. At some point he
13 started saying something about 90 days, 90 days, 90 days.

14 He said, you know, I'll leave, but you'll have --
15 you'll have to pay me the full payout, all the vacation, sick
16 pay, you have to give me 90 days' written notice or something
17 like that. And so he said don't -- you know, I want my full
18 payout. I want 90 days' notice.

19 So, at that point we got up, went back to the
20 board room, indicated that --

21 BY MS. DAVIES:

22 Q. Let me stop you just really quick before we go
23 back there. At this point had you or Randy Drake or any of
24 the other officers mentioned any sort of severance package or
25 the need for such?

1 A. No.

2 Q. Okay.

3 A. Because it was -- that wasn't our intent or
4 purpose was to -- for him to go. It was to have an open
5 meeting to have a discussion regarding this. He -- then all
6 of a sudden, you know, he started talking about his contract
7 and about his payout.

8 Q. So, the intention when you and the other officers
9 and Randy Drake walked down to his office that first time was
10 to just simply inform him of the fact that you and the other
11 officers and trustees wanted to put this out to be discussed
12 at a public --

13 A. Yes.

14 Q. -- at a public meeting?

15 A. Yes, that was the intention.

16 Q. Okay.

17 A. Because the -- as a board if you're given
18 information it's your duty and responsibility to act on that
19 information. But then it has to be done in a public board
20 meeting.

21 Q. Okay. So, now you go -- you decide to leave his
22 office and go back to the board room, what happens then?

23 A. Then Randy says he's asking for this, this and
24 this. I think at that point there was, you know, people were
25 kind of scattered around and I think it was Dave that said go

1 back and negotiate with him. Because I think I probably said
2 at one point there's no way that we're going to pay him a full
3 amount because I think we were kind of figuring out what that
4 amount might be and someone mentioned around 350 to \$400,000.

5 So, Randy then went back and there was several
6 back and forth discussions coming back with a different price.

7 Q. Okay. Do you know --

8 A. A different amount.

9 Q. Do you know who was having -- I know you said it
10 was really scattered and -- but do you know who was having
11 those conversations back and forth, you know, Randy --

12 A. I think Dave was -- was the attorney.

13 Q. Okay.

14 A. And as I say, I think I said to the attorney
15 that's -- I -- I'm not interested in paying that amount. By
16 that time quite frankly I'm a little shellshocked because this
17 is -- and so I didn't pay attention to the conversations
18 because I don't even remember where people were. I think
19 Barbara McLaury was -- Barbara McLaury and I were sitting and
20 everybody else was standing elsewhere in the room.

21 Q. Okay.

22 A. So, we went back and forth.

23 Q. Can you tell me what happened to end that back
24 and forth or that discussion that Drake was having with Pedro,
25 what kind of brought that portion of your meeting to an end?

1 A. Pedro --

2 MR. MALLOY: Discussion?

3 MS. DAVIES: The discussion, yeah.

4 MS. CLARK: Pedro left and Randy indicated that

5 he left the building. And no, let me -- I was standing out in

6 the hallway and I saw him walking out the door. And he was

7 with HR chair.

8 BY MS. DAVIES:

9 Q. Okay.

10 A. And there was somebody else and I don't remember

11 who it was. He walked out the door and then Randy came back.

12 Q. Okay. Why had you left the -- the board area

13 and -- and stand in the hall, just --

14 A. That's where we were just milling around.

15 Q. Okay. While you were waiting for Randy to come

16 back?

17 A. Right.

18 Q. Okay. So as you were standing in the hallway

19 were you anticipating Randy -- before you saw Pedro leave,

20 were you anticipating Randy to come back with another --

21 A. Yeah.

22 Q. -- option or something from Pedro?

23 A. Yes.

24 Q. Okay. So that was when everybody was just kind

25 of hanging out waiting?

1 A. Yes.

2 Q. Okay. So you see Pedro leave and then what
3 happens?

4 A. Then somebody suggested that we go down to the
5 superintendent's office.

6 Q. Do you remember who suggested that?

-7 A. Maybe Lisa.

8 Q. Okay.

9 A. So we went down there and tried to figure out
10 what the heck happened.

11 So, you know, Randy said he wouldn't agree --
12 well, let me -- obviously Randy said something to the effect
13 that he wouldn't come to any agreement, they couldn't come to
14 any agreement and that he left.

15 Q. Okay.

16 A. And then we went down to -- I think he must have
17 said that -- I don't remember where he said -- might have said
18 that when we went down to the superintendent's office.

19 Q. Okay. And so what was your discussion --
20 actually who was in the superintendent's office at this point
21 once Pedro had left?

22 MR. MALLOY: And for purposes of clarification,
23 when you say the superintendent's office you mean literally
24 the office itself as opposed to only the other parts of the
25 suite, so to speak.

1 MS. DAVIES: Yes, yeah.

2 MR. MALLOY: Because I think there's an ante
3 room --

4 MS. DAVIES: -- Right --

5 MR. MALLOY: -- and a couple of doors.

6 MS. DAVIES: Right.

7 MS. CLARK: I remember Randy being there. I
8 remember Lisa being there for sure. Probably -- I don't know,
9 because then later I can see Barbara and John sitting out in
10 the ante room on the couch. So I don't -- we may have all
11 been in there at one point.

12 MR. MALLOY: Don't speculate.

13 MS. CLARK: Okay.

14 MR. MALLOY: If you know, say so, if you're not
15 sure, say that.

16 MS. CLARK: I don't know. I know there was
17 several of us.

18 BY MS. DAVIES:

19 Q. Okay. So you go to Pedro's office to discuss
20 what just happened?

21 A. Right.

22 Q. And what was said, what --

23 A. That he had left. So, our -- oh -- yeah, that he
24 had left. And so at that point we decided that we needed to
25 indicate that, you know, he was relieved of duties because it

1 looked like he was done and out the door. So --

2 Q. What made you believe that he was done and out
3 the door and --

4 A. Because I believe the attorney Randy told us that
5 he was done. I think he said something to the effect that he
6 was done. It wasn't -- he didn't want to negotiate. I don't
7 know whether at that point he said something about that he was
8 going to sue the school district, I don't remember, I truly
9 don't, I'm sorry.

10 Q. No, that's understandable, I'm trying to figure
11 out how you come to the conclusion that he -- you know, since
12 he has left and you've seen him walk out that then you come to
13 the conclusion that, you know, he's been relieved of his
14 duties and then, you know, the events unfold after that?

15 A. Yeah, that's --

16 Q. As opposed to him just walking out because, you
17 know, he's leaving for the day and he'll be back tomorrow.

18 A. No, no. That wasn't the impression at all in
19 that room. It was that he had left. And I don't remember
20 unfortunately what the exact words were used.

21 Q. Okay. But it was from information that Randy
22 Drake had given you regarding a conversation that he had had
23 prior with Pedro --

24 A. Yes.

25 Q. -- during one of their discussions?

1 A. Yes.

2 Q. Okay. So, you -- you guys decide, and I speak
3 of -- at least I should say you and Randy because we know that
4 those are two of the people that are in this conversation.

5 What happens, then you decide that you have to
6 indicate that he's been relieved of his duties, so what
7 transpires after that?

8 MR. MALLOY: After what?

9 MS. DAVIES: After -- after the decision that
10 they need to make indication that Superintendent Martinez has
11 been relieved of his duties. Because --

12 MS. CLARK: But I think --

13 MS. DAVIES: -- he -- as Barbara just said that
14 he had left.

15 MR. MALLOY: Yes. She's responded to that.

16 MS. DAVIES: And so -- right. And so she
17 indicated that she just said that they needed to -- to
18 indicate that he had been relieved of his duties, which is
19 where I was trying to go is figure out how by him leaving you
20 come to that conclusion and then make the decision to -- to --

21 MS. CLARK: Well, I think.

22 MR. ROBISON: Can we do this, Jennifer, just ask
23 a question.

24 MS. DAVIES: Yeah, that's what I'm asking.

25 MR. ROBISON: Well, that was a long explanation.

1 MS. DAVIES: Well, no, that was his response --
2 but here's the thing, and I understand you guys are attorneys,
3 I'm an investigator, I'm trying to find the facts. This isn't
4 information that, you know, we're in a court, you know, saying
5 you're going to object to, you know, whatever.

6 MR. ROBISON: You're right.

7 MS. DAVIES: I'm trying to get the facts and
8 every time we stop then it stops --

9 MR. ROBISON: I wanted to reset and get it --

10 MS. DAVIES: I know, but it's like we're -- we're
11 arguing over semantics and wording.

12 MR. MALLOY: No, no, no. No, please don't let --

13 MS. DAVIES: And I'm trying to find out what
14 happened. If somebody leaves a room I am not going to just
15 automatically make an assumption that they've quit their job
16 and they're leaving. So that's what I'm trying to find out is
17 how do you get there.

18 MR. MALLOY: All I was asking for clarification
19 to your question, I'm --

20 MS. DAVIES: Right. And so that's where I'm
21 going, how do you get to that point.

22 MS. CLARK: To my best recollection, and I don't
23 recall, it was about he was going to sue us. They couldn't
24 come to an agreement on the contract because he's the one that
25 said he was going to leave. You know, I'll leave if you pay

1 me out all this money. And then started that conversation
2 about what his package would be.

3 At the end he said well, I'll just sue and we'll
4 go from here.

5 BY MS. DAVIES:

6 Q. Okay.

7 A. I believe that's what the -- I don't remember
8 what the exact words, but that's what I believe occurred and
9 so it was final.

10 Q. So that was your impression --

11 A. Yes.

12 Q. -- of the information that you were given?

13 A. Yes.

14 Q. That he was going to sue, that it was final that
15 he was walking out?

16 A. Yes.

17 Q. Okay.

18 A. Exactly.

19 Q. Okay.

20 A. I apologize, it was so stressful.

21 Q. Sure.

22 A. I -- I truly don't remember the exact events
23 because it was just kind of like being shellshocked because
24 that was never the intent.

25 Q. Okay. And I understand and from speaking with,

1 you know, the other trustees and officers, you know, that's
2 the same impression that they'd been giving that everybody was
3 very shocked and emotional. And so that's why we're kind --
4 I'm trying to break it down and so --

5 A. Sorry.

6 Q. That's okay. And if you don't remember, you
7 don't remember. Like I've told everybody I don't want you to,
8 you know, try and speculate or remember something that you
9 don't.

10 So, when you're in Pedro's office and he has left
11 and now you guys are trying to decide that you need to inform
12 people or staff, how do you do that, I mean, how do you come
13 to that conclusion who you're going to inform that he's been
14 relieved of his duties?

15 A. Well, we asked the communications director to
16 come over and help us decide what the next steps were.

17 Q. Okay. And what were those?

18 A. About a press release going out.

19 Q. Okay.

20 A. During that conversation press release, a
21 connected call and go talk to the leadership staff.

22 Q. Okay. Who made the decision to -- to actually go
23 forward with the press release, was that you, was that you in
24 conjunction with Randy Drake, was that just Randy, who -- who
25 made that decision?

1 A. Well, I know I was there. Yeah, I think Randy
2 was there too.

3 Q. Okay.

4 A. Because all of a sudden we have an absence of a
5 person there. And again, the conditions under which he left
6 was like wow, you know, what are we going to do?

7 Q. Okay.

8 A. He had -- you know, my personal feeling, not that
9 I verbalized it, but, you know, he's going to go out there and
10 sue us and say something or other, we have to look like we can
11 conduct business in a normal fashion.

12 And so that was my intent that a press release
13 needed to go out so that we had something out there going --
14 unfortunately, relieved of duties, everything will continue as
15 it has.

16 Q. Okay. So prior to making the press release and
17 speaking to the leadership team did you speak with the deputy
18 superintendent and the chief of staff prior to those --

19 A. I did speak to them.

20 Q. Okay.

21 A. I believe it was before.

22 Q. Okay.

23 A. Yes. To the best of my recollection it was
24 before we did the press release.

25 Q. Okay.

1 A. Or talked about the press release with the
2 communications department. Or it might have been right there
3 after.

4 Q. Okay. And that timing isn't too critical. Was
5 it definitely before you actually gave the press release to
6 the media?

7 A. Yes.

8 Q. Okay. And was it before you talked to the
9 leadership team?

10 A. Yes.

11 Q. Okay. So prior to both of those?

12 A. Yes.

13 Q. Who was in the meeting when you spoke with Deputy
14 Superintendent Tracy Davis?

15 A. Well, they were both there at the same time.

16 Q. They were?

17 A. Yes.

18 Q. Okay. So, you spoke to both of them together?

19 A. Correct.

20 Q. Okay. And what was -- what was told to each of
21 them?

22 A. That Superintendent Martinez or Pedro, I don't
23 remember which name I used.

24 Q. Okay.

25 A. Was relieved of duties. Had no idea. He was

1 relieved of duties and that we needed for them to step up and
2 take on the responsibilities of making sure that the district
3 was running okay from that minute on.

4 Q. Okay.

5 A. Because didn't know if something was going to
6 come up that had to be addressed. Again, you know, it's the
7 district is 24/7 every minute of the day there out, had no
8 idea what was going to happen or any timeline whatsoever, but
9 knew that there had to be somebody in place that could address
10 any issue that immediately came up that evening or the next
11 morning.

12 Q. Okay. Did you ever tell Tracy Davis or Kristin
13 McNeel that Superintendent Martinez has -- was being placed on
14 administrative leave?

15 A. To the best of my recollection, I think I said
16 relieved of duties.

17 Q. Okay. Had you ever used -- in your conversation
18 with them at this time, had you ever told them that
19 Superintendent Martinez as I speak of them, Tracy Davis and
20 Kristin McNeel, that Superintendent Martinez's contract had
21 been terminated?

22 A. No, I don't -- not to my recollection I don't
23 believe I said that.

24 Q. Had you ever told Tracy Davis or Kristin McNeel
25 that Superintendent Martinez had been fired?

1 MR. ROBISON: You have to be verbal.
2 MS. CLARK: No.
3 BY MS. DAVIES:
4 Q. Okay.
5 A. Again, that was never the intent, so I wouldn't
6 ever say that. I -- I don't believe I said that.
7 Q. Okay. So to the best of your knowledge you had
8 said that he had been relieved of his duties?
9 A. Yes.
10 Q. Was it your impression that those -- that that
11 was a temporary or a permanent event?
12 A. His relieving of duties?
13 Q. Yes.
14 A. Temporary. I have no idea what was going to
15 unroll out.
16 Q. Okay.
17 A. Again, we have to go to a public meeting and have
18 a conversation. So that was the intent, that was the goal,
19 that was still the goal.
20 Q. Okay.
21 A. Because you still have to do the contract.
22 Q. Okay.
23 A. And notice and all of those things.
24 Q. So, then after you speak with Kristin and Tracy
25 at some point you inform the leadership team of the events

1 that took place. Do you remember what you told the leadership
2 team?

3 A. I believe I said that he was relieved of duties.

4 Q. Okay.

5 A. Very sad, very gut wrenching, couldn't talk about
6 it.

7 Q. You couldn't talk about it because you were
8 emotional or you couldn't talk about it because it was a
9 personnel issue?

10 A. Correct, that it was a personnel issue.

11 Q. Okay.

12 A. I believe I did use the words personnel issue.

13 Q. Okay. I just wanted to clarify.

14 A. Yeah. You know, but again, we have nearly 8,000
15 employees and they're there doing their job every day,
16 yesterday, today and tomorrow. And that we relied on them to
17 continue doing their best efforts.

18 MS. DAVIES: Kent, I just want to make note, I
19 think your tape just clicked.

20 MR. ROBISON: Thank you.

21 MS. DAVIES: You're welcome. Do you want me to
22 pause for a minute?

23 MR. MALLOY: I haven't seen that happen, flipping
24 a cassette over like that.

25 MS. DAVIES: Sorry.

1 MR. MALLOY: Brings back fond memories.

2 MR. ROBISON: Take this.

3 MS. DAVIES: A good time to get a good laugh.

4 Sorry it was at your expense.

5 MR. ROBISON: It won't be retaliation.

6 MR. MALLOY: Yeah, well, most of the laughter at
7 my expense I might add. It was my turn, I take every
8 opportunity I can get.

9 MS. DAVIES: Good.

10 BY MS. DAVIES:

11 Q. Sorry.

12 A. That's okay. And I also indicated that Tracy and
13 Kristin had agreed to step up and take the responsibility on
14 in the interim, you know, whatever time space there was to
15 make sure that things kept rolling along.

16 Q. Okay.

17 A. I didn't use rolling along, but --

18 Q. Sure. So then after the leadership meeting or
19 after you informed the leadership team of the events, at that
20 point was it about the time that then you went and made your
21 press conference?

22 A. No.

23 Q. What happened?

24 A. Well, shoot, no, it wasn't right after that I
25 don't think. I guess it was. I don't think it was right

1 after, but at some point within some short time frame it was
2 the press conference. I don't recall the exact timing. At
3 some point -- yeah, no, because Pedro came back.

4 Q. Okay.

5 A. And he came back and walked into the office and I
6 was in the -- that ante room, you know, where the secretaries'
7 desks are.

8 Q. Okay.

9 A. And he walked in and then went into his office
10 and started rummaging around on papers. And I said Pedro,
11 what are you doing? And he never responded. Asked a couple
12 of times. Finally he said he was looking for his contract.

13 And I think I said well, do you want us to e-mail
14 that to you? I said I'm sure Randy has it, he can e-mail it
15 to you. And he said no, no, no and kept going through a whole
16 bunch of different papers.

17 And then I believe he started talking again to
18 Randy about his contract and about negotiating money again.
19 At some point Dave was in there being part of the
20 conversation. I was walking in and out. I couldn't tell you,
21 I didn't really pay attention to the money or anything. I was
22 stressed about the other things and the -- the press
23 conference coming up. Just if it happened after that.

24 Q. Okay.

25 A. Yes, it did. Because the rest of us -- and then

1 Lisa had gone in and sat down. The rest of us had did the
2 press conference, because I remember very specifically that I
3 said something about it, you know, all of us are here together
4 and then somebody -- no, that was -- then I gave the
5 statement, sorry, I gave the statement that we had made up and
6 said that. There was a couple of questions.

7 Q. Do you remember --

8 A. And then we left.

9 Q. Do you remember what those questions were?

10 A. Well, I remember one in particular because the
11 reporter called me again the next day and asked me about it
12 and I had to look at what I said. Well, there was one
13 question about how did you think Pedro -- how was he a
14 superintendent over the last couple of years and I didn't
15 answer that one.

16 Another question was when I went back and looked
17 at the media thing I didn't hear it when I was in the thing,
18 something about are you going to get somebody permanent? I
19 responded, however, that we were doing something interim.

20 Q. Okay.

21 A. And I don't remember my exact words.

22 Q. Okay. So when you talk about doing something
23 interim, what -- what were you meaning, what did you mean?

24 A. Again, that minute that next day somebody had to
25 be there that was going to be able to address anything that

1 came up in the school district.

2 Q. Okay.

3 A. And I had no idea what the timeline was going to
4 be.

5 Q. At that point had you even thought of something
6 permanent?

7 A. No, no. No. There was -- no.

8 Q. Okay. Why?

9 A. Again, because we went in there to set up a
10 public meeting and it just went totally off the rails. And,
11 you know, Pedro went off and behaved in a way that there
12 were -- I never even imagined or thought of. There was no
13 planning, obviously, because probably would have done it
14 better if there was some kind of planning obviously.

15 There was absolutely no plan other than talking
16 to him about telling him there was going to be a public
17 meeting. Just absolutely no thought to the future other than
18 the immediate need of tomorrow.

19 Q. Okay. To your -- to the best of your knowledge
20 and what you remember, do you remember any of the officers
21 telling Pedro any of the -- that he had been placed on
22 administrative leave other than yourself since you already
23 answered for yourself?

24 I'm just -- do you remember any of -- if Barbara
25 McLaury or Lisa Ruggerio or Randy Drake had said that to

1 Pedro?

2 A. I don't recall.

3 Q. Okay. What about that his contract had been
4 terminated?

5 A. No, I don't recall.

6 Q. Okay. And then what about if he -- that he had
7 been fired?

8 A. I'm pretty sure those words were never used
9 because that was never our intent.

10 Q. Okay.

11 A. I mean -- no.

12 Q. Sure.

13 A. No. Not that I heard.

14 Q. Okay.

15 A. As far as I remember.

16 Q. I don't want you to go into detail about this,
17 it's just a simple yes or no question, but at the beginning of
18 the morning when you met with Randy and throughout the day,
19 did Randy as counsel give you legal advice as to what to do or
20 what not to do? All I want you to do is answer yes or no.

21 A. No.

22 Q. Okay. Well --

23 MR. MALLOY: Yes or no is the only -- you
24 answered it already.

25 ///

1 BY MS. DAVIES:

2 Q. I just don't want -- I don't want you to share
3 any client-attorney privilege, so what I'm asking is at any
4 point during the day did Randy give you legal advice as to
5 what to do or not to do?

6 MR. MALLOY: Yes or no.

7 BY MS. DAVIES:

8 Q. Regarding any of the situations?

9 A. I -- I would say no, other than saying that we
10 could have a legal meeting.

11 Q. Okay.

12 A. But no.

13 Q. Okay.

14 A. But that was advice.

15 Q. Okay.

16 A. I'm sorry.

17 Q. No, that's okay.

18 MR. ROBISON: You're not (inaudible), you're
19 doing fine.

20 BY MS. DAVIES:

21 Q. No, you're doing great. So, let me ask you how
22 then after the 22nd meeting and you make the press conference
23 and then at what point is there discussion, if any, about
24 Pedro returning to work?

25 A. Not until I had a conversation with my attorney

1 about he recommended --

2 Q. And you don't have to share.

3 MR. MALLOY: Go ahead.

4 BY MS. DAVIES:

5 Q. Okay. Go ahead.

6 MR. ROBISON: I'll wait.

7 BY MS. DAVIES:

8 Q. Go ahead.

9 A. It wasn't until -- it was a recommendation that I
10 put out a statement.

11 Q. Okay. And was that -- that statement was -- was
12 crafted and written by yourself and your counsel --

13 A. Correct.

14 Q. -- Kent Robison?

15 Was there any other officers or trustees involved
16 in writing that statement?

17 A. No.

18 Q. Okay. And so then was that statement written
19 between you and Kent during the July 29th meeting that you had
20 here at counsel's office regarding other issues, but was that
21 the time that that was written?

22 A. Yes.

23 Q. Okay. And then it was dated the 31st, which is
24 when you -- you put out that statement July 31st; correct?

25 A. I'll take your word for it.

1 Q. Okay.

2 A. For what the day was.

3 Q. Okay. Well, he came back to work on August 1st,
4 which was Friday --

5 A. It was the day before. Yes.

6 Q. Okay. So let me ask you. In here you discuss --
7 there's a part in here where you say, "Rather than debate this
8 complicated issue we have agreed that last week's events are
9 void."

10 What do you mean by last week's events are void?
11 How can you explain that to me?

12 A. I -- I believe that we're resetting.

13 Q. Resetting what? I mean, when you say void
14 regarding the last week's events, kind of give me your --

15 A. Pedro was -- as we said, he was never terminated,
16 he was relieved of duties, asked him to come back.

17 Q. Okay. So that's what you were talking about when
18 you wrote your statement saying that last week's events were
19 void?

20 A. Correct.

21 Q. Okay. That's what I was trying to get, but I
22 didn't want to put words in your mouth.

23 A. No.

24 Q. So on that same day, on July 29th, there was a
25 court filing in reference to deficiencies that -- regarding

1 Pedro Martinez. Do you know what deficiencies Pedro Martinez
2 has at this point that are a concern to the trustees or
3 officers?

4 A. I don't know what you're talking about. What are
5 deficiencies? Or what do you mean, that his shortcomings?

6 Q. Yeah, within, you know, professional
7 deficiencies?

8 A. No.

9 Q. Okay. So you're not aware of any?

10 A. Am I aware of the filing?

11 Q. Well --

12 A. Was there a filing that stated deficiencies, is
13 that what you're saying?

14 Q. I would --

15 A. And I'm aware of that?

16 Q. Yes.

17 A. I don't know what's in the filing, no.

18 Q. Okay. Are you --

19 A. I wasn't a party to that.

20 Q. Okay. Are you personally aware of any
21 professional deficiencies that would raise concern to the
22 board or to the officers and trustees?

23 A. Do I have personal concerns about deficiencies
24 and the superintendent?

25 Q. Yes.

1 A. Yes.

2 Q. Can you share with me what those are?

3 MR. ROBISON: What's this got to do with the open
4 meeting?

5 MS. DAVIES: It -- it's part of the second
6 complaint that came in so I'm trying to --

7 MR. ROBISON: Where they -- where they accuse the
8 board of meeting, discussing his performance at a meeting and
9 then publishing concerns that were expressed about his
10 performance at a meeting?

11 MS. DAVIES: And if that's what the whole
12 complaint says I'll take your word for it, I have not read the
13 whole complaint. However, that is part of their complaint so
14 that's why I'm asking --

15 MR. ROBISON: I don't think anybody's ever
16 complained about whether or not any specific or individual
17 trustee has issues with his performance. But I'm going to --
18 let me just -- let's go forward.

19 MS. DAVIES: I mean, I'm just, I'm just curious,
20 I --

21 MS. CLARK: Well, he had an evaluation, I listed
22 out what my concerns, some of my concerns were in the
23 evaluation.

24 BY MS. DAVIES:

25 Q. Okay.

1 A. He has issues with communications.

2 Q. Okay.

3 A. You can look at the evaluation and see what is
4 stated in that.

5 Q. Okay. Anything else that you feel?

6 A. Well --

7 Q. I mean, I don't want --

8 A. I'm not quite sure how that applies because I --
9 everybody has personal opinions on everybody. I'm not sure
10 that we never discussed anything on when we were together
11 about that. The only thing I remember is talking about the
12 statement that we sent out.

13 Q. Okay.

14 A. So, you know, if I sit here and say I think Pedro
15 is an apple, an orange and a pear how do I know that that's
16 not going to be used against me as an individual? I -- I
17 guess I'm concerned.

18 Q. No, I understand.

19 A. Because I have -- you know, just as you have
20 personal feelings about, I have personal things about my
21 interactions with him.

22 Q. Okay.

23 A. I -- I guess I would seek advice of my attorney.
24 Do you want me to list them all of what they are?

25 MR. ROBISON: Well, the only accusation I'm aware

1 is that you and your fellow trustees sat down at a meeting and
2 discussed his performance and highlighted some deficiencies.

3 I think you made it very clear --

4 MS. CLARK: During the evaluation process.

5 MR. ROBISON: No, they're referring to the
6 meeting in this office.

7 MS. CLARK: No.

8 MR. ROBISON: You said that didn't happen. I
9 know it didn't happen. The point is whether or not you're
10 expected right this moment to express any opinions you have
11 about deficiencies which have nothing to do with any meeting
12 you've had with the trustees is the question.

13 MS. CLARK: Yeah, I'd rather not state what I
14 personally feel.

15 BY MS. DAVIES:

16 Q. Okay.

17 A. Other than what's in the evaluation, which is a
18 public document.

19 Q. Okay. Let me just --

20 MR. ROBISON: Can I interject something?

21 MS. DAVIES: Sure.

22 MR. ROBISON: And I really apologize. If
23 Mr. Martinez returned to work on the 1st, I think the meeting
24 that we've been referring to on the 29th occurred on the 31st.

25 MS. DAVIES: Okay. So was the --

1 MR. ROBISON: The meeting -- the legal gathering
2 in my office.

3 MS. DAVIES: Happened the day before.

4 MR. MALLOY: I think that came up yesterday as a
5 possibility.

6 MR. ROBISON: Yeah, and I'm --

7 MS. DAVIES: Well, and I know yesterday we
8 discussed specifically the date of the filing.

9 MR. MALLOY: That was --

10 MS. DAVIES: And we confirmed that is the 29th.

11 MR. ROBISON: The meeting --

12 MR. MALLOY: The meeting was held on the 31st.

13 MS. DAVIES: Was had on the 31st.

14 MR. MALLOY: Remember I was wondering about that
15 on the record a little bit --

16 MS. DAVIES: So, this is not on the record for
17 any of the others. And I will just make a note in my report.

18 MR. MALLOY: Yeah.

19 MS. DAVIES: At the beginning that when I make
20 mention of it on the tape that it's inaccurate. In my report
21 I'll reflect that it is the 31st and then --

22 MR. MALLOY: Yeah.

23 MS. DAVIES: -- and I'll just make a note that --
24 that --

25 MR. MALLOY: I'm glad we caught that because I

1 was wondering.

2 MS. DAVIES: So, my apologies.

3 MR. ROBISON: It's my --

4 MS. DAVIES: And thank you for bringing that up.
5 So you guys know when I make -- when I write my report I'll
6 just --

7 MR. MALLOY: Yeah, thanks, thanks.

8 MS. DAVIES: -- make one big kind of like footer
9 or header just noting that, so. Okay.

10 I think that's all. That's all I have right now.
11 I'm sure I'm going to walk out the door and think of something
12 else, but at this point I don't have any other questions.
13 Kent, do you have any?

14 MR. ROBISON: No, but I want to assure you that
15 if you do have further questions of any of the trustees and
16 you want them to respond to questions that you did not ask,
17 please feel free to contact us, we will get the trustee that
18 you want to talk to on the phone and we'll let you ask any
19 further questions.

20 MS. DAVIES: I appreciate that. And I think that
21 for any additional -- it's probably -- if that happens it's
22 very minimal, so it would be much easier to just get them on
23 the phone and not disrupt everybody's entire day. So I
24 appreciate that.

25 MR. MALLOY: Whatever is your prerogative on

1 that. It's whatever is your preference.

2 MS. DAVIES: No, and I don't mind, I have no
3 problem, you know, having a conversation with them over the
4 phone if it's only --

5 MR. ROBISON: All right.

6 MS. DAVIES: -- you know, a couple follow-up
7 questions that I happen to go home and think about when I
8 can't sleep or, you know, when it's like oh, I forgot to ask
9 them this. So I appreciate that. Mike, do you have any other
10 questions?

11 MR. MALLOY: No.

12 MS. DAVIES: Okay. Barbara, do you have any
13 questions of me?

14 MS. CLARK: I guess how long does it take for you
15 to make a determination?

16 MS. DAVIES: I'm not the one that makes a
17 determination, I can tell you I will put together all of my
18 notes and everything in a report from all of my interviews and
19 then I submit it to my attorney with all the information.

20 At that point then he's the one who goes over
21 everything that I've gathered, all of the information he has
22 and then he's the one who ultimately will make that
23 determination.

24 I can't say how quickly he'll be able to do that.
25 Hopefully sooner rather than later because I know this is --

1 we're trying to fast track this, so --

2 But I have no problem, you know, if you want to
3 call, you know, and check with, you know, your counsel as to
4 if they know anything they can contact me and I can at least
5 let them know, you know, kind of where we are in the process.
6 If I still have it or if I've passed it along to my attorney
7 it will give him a little bit of an idea of where we are in
8 the process, so --

9 MS. CLARK: So there's no normal time frame?

10 MS. DAVIES: No. Unfortunately there's nothing
11 normal about, you know, any of them, some of them, you know,
12 can go really quickly, some of them, you know, don't.

13 I'm hoping to not drag this out and I know that
14 my attorney as well, so.

15 MS. CLARK: Okay. Thanks.

16 MS. DAVIES: Okay. Anything else?

17 MS. CLARK: No.

18 MS. DAVIES: Okay. So, at this time I will go
19 ahead and end the interview. The time is 4:05 p.m. and it is
20 August 5th, 2014.

21 (Proceedings concluded.)

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STATE OF NEVADA,)
) ss.
CARSON CITY.)

I, Michel Loomis, do hereby certify:

That on August 5, 2014, an interview was held in the within-entitled matter in the office of Kent Robison.

That said interview was recorded on CD-ROM was delivered to me for transcription;

That the foregoing transcript, consisting of pages 1 through 44, is a full, true and correct transcript of said recorded CD-ROM performed to the best of my ability.

Dated at Carson City, Nevada, this 14th day of August, 2014.

Michel Loomis, Transcriber

Exhibit 2

Exhibit 2

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
RENO, NEVADA

TRANSCRIPT OF ELECTRONICALLY-RECORDED INTERVIEW

PEDRO MARTINEZ

JULY 28, 2014

RENO, NEVADA

Transcribed and
proofread by:

CAPITOL REPORTERS
BY: Michel Loomis
208 North Curry Street
Carson City, Nevada 89703
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A P P E A R A N C E S

Office of the Attorney
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Deputy Chief Investigator
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For Pedro Martinez:

Snell and Wilmer
William Peterson, Esq.
Carrie Palmer, Esq.

1 RENO, NEVADA, MONDAY, JULY 28, 2014, 12:12 P.M.

2 -o0o-

3
4 MS. DAVIES: Okay. Today's date is July 28th,
5 2014. It is 12:12 in the afternoon. This is an interview
6 being taken place at the Reno office of the Attorney General
7 with myself, Deputy Chief Investigator Jennifer Davies.
8 Present in this interview is Carrie Parker from Snell and
9 Wilmer along with Bill Peterson from Snell and Wilmer and
10 Pedro Martinez, the superintendent for the Washoe County
11 School District.

12 Mr. Martinez, what I want to do if you'll take
13 just a quick minute, this is the complaint that was filed on
14 our -- to our office. If you would just read through the
15 first few pages and then just confirm with me that it is
16 accurate and correct to your knowledge, that would be great.
17 And just take a minute to do that.

18 MR. PETERSON: If there's anything inaccurate,
19 Pedro --

20 MR. MARTINEZ: Hum?

21 MR. PETERSON: -- be sure to make a note.

22 MR. MARTINEZ: Absolutely.

23 Yeah, I mean, that really is at a -- you know,
24 the only thing that would be missing would be some of the
25 things that had been -- happened later in the PM. But other

1 than that --

2 MR. PETERSON: You know, I don't think she's
3 asking you whether --

4 MS. DAVIES: Yeah, but at this --

5 MR. MARTINEZ: -- it's accurate.

6 MS. DAVIES: Okay.

7 MR. MARTINEZ: It's accurate.

8 MS. DAVIES: Okay. Because this was written on
9 July 24th.

10 So at that time --

11 MR. MARTINEZ: Yes.

12 MS. DAVIES: -- it's accurate and complete?

13 MR. MARTINEZ: Yes. Yes.

14 MS. DAVIES: Okay. Perfect. So what we'll do is
15 just go ahead and kind of go through some -- a list of
16 questions.

17 If you can tell me just briefly about your day on
18 July 22nd.

19 MR. MARTINEZ: Sure, sure, sure, sure.

20 So -- so we were scheduled on July 22nd to have a
21 Board workshop, a training workshop.

22 BY MS. DAVIES:

23 Q. Okay.

24 A. You have the agenda.

25 It was mainly -- so it was a training session.

1 That's what it was. It had been scheduled for at least --
2 well over a month before that, and so I decided to be part of
3 it. It was an ethics training in the morning and then some
4 just basic training on how to use what we call a board doc
5 system --

6 Q. Okay.

7 A. -- which is how we keep information for the
8 public.

9 Then this -- you know, I wasn't expecting
10 anything really. I actually -- just before that, I had met
11 with the Board president or with the college president both at
12 UNR and TMCC, and we had a great conversation about some of
13 the initiatives we had, then went over to the training.

14 At about -- so the ethics workshop -- and it was
15 very good -- ran until approximately just a little after
16 10:30, just before 11. The Board president asked if, you
17 know, she could see me during the break. So there was a break
18 right about 11.

19 And so at that point, the Board president came to
20 see me with the -- with the -- with our District attorney,
21 Randy Drake, and said, you know, "There has been an allegation
22 against you that you are touting yourself out to be a CPA, and
23 you're not."

24 And I said, "Okay." You know, I didn't think
25 anything of it. So I said, you know, "Probably just a

1 misunderstanding." I -- you know, I said, "I have my CPS
2 certificate." I even -- I had it on the wall. I said, "Look,
3 here it is. Do you want me to print copies of it?" They
4 said, "No, it's not necessary."

5 And then at that time, you know, they said they
6 had actually started an investigation, that they had called a
7 licensing entity in Illinois and that there was no record of
8 me ever having a license.

9 And I said yeah, that that is correct. So I
10 tried to explain to them the difference between a licensed CPA
11 and a non-licensed CPA. I said, you know, "I was in the
12 profession right out of college for about four years, and I
13 never had the need to pursue my license because I left the
14 industry about four years. And so I didn't go and open up my
15 own accounting firm. I didn't become a partner in that
16 accounting firm, but I am still designated as a CPA even
17 though I didn't get my license."

18 And so they said, "Well," you know, "we don't" --
19 "we think this is a concern." And I said, "Okay. Well, let's
20 continue to talk about it and figure it out." They said,
21 "Well, we would like to talk about it with the entire Board."
22 I said okay.

23 So they said -- they actually went back and did
24 another part of their training on the board doc system. That
25 was for about an hour. And then at this point, it was about

1 12:30. Then they said, you know, "We're going to call a legal
2 meeting." And so our attorney called with what he referenced
3 as a legal meeting at 12:30.

4 In the legal meeting, the six -- six trustees
5 were there out of the seven. So there was President Barbara
6 Clark; the vice president, Barbara McLaurry; John Mayor; Lisa
7 Ruggiero, Dave Aiazzi and Howard Rosenberg, and it was just me
8 and the attorney.

9 Q. You're good. I apologize. I was just checking.

10 A. Sure, sure, sure.

11 Q. My luck, it will not be working. So my
12 apologies.

13 Continue.

14 A. So then, you know, Barbara brought up -- said,
15 you know, "There's been an allegation against the
16 superintendent that he's touting himself out to be a CPA and
17 he's not." And so then I explained. I said, you know -- you
18 know, "I am a" -- you know, "I am a certified" -- "a CPA,
19 certified public accountant, but I don't have" -- you know,
20 "I've never had the need to obtain my license. And I've never
21 spoken in public ever of having" -- "being a practicing or a
22 licensed CPA," and I explained the difference. I even said,
23 "If you want, I can go get my certificate."

24 Q. Can you explain for me what the difference is,
25 because I'm unaware.

1 A. Sure, sure, sure.

2 So in Illinois, the requirements to be a
3 certified public accountant -- and this was back in -- when I
4 first entered the profession in 1992 was you had to pass your
5 CPA exam, which is similar to a bar exam, and then have at
6 least one year of public accounting experience.

7 Q. Okay.

8 A. So I worked for four years in the accounting
9 world.

10 If an accountant -- if a CPA wants to get their
11 license because they actually want to be, for example, a
12 partner in an accounting firm or actually open up their own
13 business to actually provide services as, for example, signing
14 audit opinions and performing audits, but -- and specifically,
15 signing them --

16 Q. Okay.

17 A. -- you would need a license.

18 Q. Okay.

19 A. So I decided to leave that profession after about
20 four years, so I never needed and required to have a license.

21 Q. Okay.

22 A. So I still was -- I still was very proud of the
23 fact I was a -- that I am a CPA or was a CPA. But that was
24 the difference.

25 Q. Okay.

1 A. And so I tried to explain that to them. I even
2 went and got my CPA certificate. I said, "Look," you know --
3 you know, and I even made copies and gave it to them.

4 I also found on my alma mater website something
5 that said clearly that if you passed your CPA exam and have
6 gotten your CPA certificate, you can use the designation of a
7 CPA.

8 Q. Okay.

9 A. So I shared that with them as well.

10 And so at that point, they decided -- at that
11 point, Lisa Ruggerio said, "Well, this is serious because
12 you're touting yourself" -- "everybody thinks you are a
13 licensed CPA, and therefore" -- and, you know, "you can't" --
14 you know, she said, "You can't -- you can't just minimize
15 this." You know, "I went" -- "I went to" -- you know, "I
16 became a social worker, and I would never tout myself as a
17 licensed social worker if I wasn't. This is very serious,
18 Pedro."

19 And Dave Aiazzi said, "Yes, this is serious and,"
20 you know, "we need to put out a statement from the Board."
21 And I just said, "Well, okay. If there's some confusion out
22 there in the community that I'm" -- you know, "about me being
23 a" -- "about my CPA status, let's work together to clarify
24 that." Because I don't want the community -- the trust of the
25 community is very important to me. I don't want -- I don't

1 want anything to -- you know, to hurt that trust.

2 At that point, Barbara Clark said, "You know,
3 Pedro, we'd like you to leave. We want to deliberate among
4 ourselves." And I said okay.

5 So I wasn't very long with them. It might have
6 been at the most maybe 15 minutes. So then I went back to
7 my --

8 Q. In that second meeting --

9 A. In that meeting --

10 Q. -- at the legal meeting?

11 A. -- that legal meeting.

12 Q. Okay.

13 A. So I left them, so let's say it was probably
14 maybe about 12:45.

15 Q. Okay.

16 A. So I left, and then I went back to work. I was
17 in my office.

18 I would say within about 30 minutes after that,
19 Barbara Clark comes in with Lisa Ruggerio and actually,
20 Barbara McLaury -- there might be one added that we have to do
21 this.

22 So they're the three officers, the vice president
23 and the secretary.

24 Q. Okay.

25 A. And said, you know, "We've been talking about

1 this. We think this is a serious issue." And I said, "Okay,"
2 you know, "let's work together to figure this out." They
3 said, "No, no, no. We're done with you, Pedro. We're done.
4 We want to end your contract, and" -- "in either one of two
5 ways," and I don't remember the exact words she used.

6 She either said, "You can do it the hard way or
7 the easy way" or "the bad way or the good way," but she said,
8 "We can do it one of two ways. You can resign. We can give
9 you three months of severance, and you go on and move on and
10 move on to," you know, "your next job. Or we'll go public,
11 and people will know about this. This will destroy your
12 career, and so you decide."

13 And I was shocked. So I said -- I said, "With
14 all due respect, Barbara" -- and to the other officers. I
15 said, "First of all, I would never, ever fight a Board about
16 changing their superintendent. That is your right. So first
17 of all, you just know that. But there are provisions in my
18 contract. If you feel you have a cause, here's the provision.
19 I don't feel you do.

20 "So if it's without cause, you have to give me 90
21 days' notice, and then there's a severance package." I said,
22 "Those two are very clear in my contract." It's not even
23 my -- it was from the previous superintendent who I just took
24 his contract and just basically -- and it has the same
25 language. "So this is not information that," you know, "you

1 wouldn't be familiar with."

2 And Barbara said, "So that's the way you're going
3 to do it?" And I said yes. She said, "Well, I need to go
4 back and talk to my colleagues," so they all left and
5 deliberated again. Matt deliberated -- it was just them and
6 Randy. I was in my office, and, oh, I would say over the
7 next -- so let's see. Right now that's -- now -- we're
8 probably talking now it's about 1:15 now. 1:15, 1:30.

9 So I would say between for the next almost two
10 hours, hour and a half to two hours, Randy -- they were
11 discussing it in their room. Randy was coming in and saying,
12 "Pedro, they want to make a deal." And I said, "Okay. What
13 do you mean by that?" "They want to make a deal. They want
14 you to leave. They want to end your contract, and so they're
15 willing to give you some money." And I said, "Okay. So what
16 do you mean?" And he said, "Well" -- and at first he said,
17 you know, "They'll increase the dollar amount. From three
18 months, then maybe" -- "they'll give you a hundred thousand
19 dollars."

20 And I said, "Randy, my contract is very clear,
21 and you know this because you were the attorney that helped
22 draft it. If they feel they have cause, they have to give me
23 a ten-day notice and there's a public hearing. If there is no
24 cause, they have to give me 90 days' notice." He said, "Well,
25 they don't want that. They want you to leave."

1 And so this -- again, this went on for about a
2 good, I would say, hour and a half to two hours. At one
3 point, I even said, "Randy, you have to" -- you know, "since I
4 don't feel you have cause, I can just stay here, because you
5 have to give me 90 days."

6 And he said, "No way. They would never have
7 that. They want you out of this office." And I said, "Randy,
8 you don't even" -- I said, "Randy, what -- you don't even
9 know -- it's ending my contract. You can't even -- you can't
10 even send me away. You have to give me either the ten-day
11 notice or the 90-day notice." He said, "Well, they'll call
12 the police and have you escorted out."

13 And I said, "The police reports to me. By the
14 way that's by state statute. So you're going to have my
15 own -- my own interim police chief escort me out?" And he
16 said, "Well, we'll call one of the other agencies."

17 I said, "Randy" -- I tried to reason with him. I
18 said, "Randy, you know that there is no substantive cause.
19 This issue is not anything that is critical, and so you know
20 that." And he said, "Pedro, they want you out," and he said,
21 "Look, they're willing to give you \$200,000 right now,
22 \$200,000 if you leave. Think about your family. \$200,000 if
23 you leave."

24 And I said, "Randy, no." You know, I said, you
25 know, "I am willing to work out something with them. If they

1 follow the provisions of my contract, we can" -- I guess I was
2 repeating myself. I said, "I have no problem with them
3 changing superintendents. I will not go to the community and
4 cry foul. I will" -- "we can work together. We can have a
5 joint statement together, and we can do this the right way.
6 And if they don't want me to be here for those first 90 days,
7 we can work that out too." He said, "You're not even willing
8 to negotiate." And I said, "Randy, I've done nothing wrong.
9 There's nothing for me to negotiate."

10 And so he -- he was very -- he got, you know,
11 somewhat angry and frustrated, and he left. So right now,
12 it's about -- then about 3:30, around that time. Maybe even
13 closer to 4. And so I -- I step out for a second just to
14 collect my thoughts because at this point, I'm still in shock
15 this is going on.

16 And I -- I come back, and it's -- I -- actually,
17 I went out and talked to Lindsay Anderson, one of my staff
18 persons. She's our head lobbyist. I said, "Lindsay, I don't
19 know if you know," and I kind of explained to her what was
20 going on. And I also saw my chief operating officer, and I
21 explained -- I said, you know, "They want to terminate my
22 contract," and I was talking to Lindsay. I said, "Lindsay, I
23 need some help. Is there any attorney you know?" She said,
24 "Let me call." And so that's when I got in touch with Bill.

25 So then I went back to my office. Now, it's

1 about 4:30. During that time, what I found out is that the
2 Board -- so four board members: Barbara Clark, Howard
3 Rosenberg, Barbara McLaury and John Mayor were addressing my
4 leadership team, letting them know that I had been relieved of
5 duty. I didn't know it, but that started at 4:30. In the
6 meantime, I'm in my office.

7 Q. Who left? It was Barbara Clark, Howard
8 Rosenberg --

9 A. John Mayor and Barbara McLaury.

10 Q. Okay.

11 A. Meanwhile, in my office -- and also in between
12 that hour as well, the trustees -- and I'm not sure how --
13 which ones or how many had already talked to my deputy
14 superintendent, Tracy Davis, and my chief of staff, Kristen
15 McNeill, letting them know that I had been relieved of duty
16 and that they were -- immediately and they were going to take
17 over my duties.

18 Q. Okay. And your chief of staff is who?

19 A. Kristen McNeill.

20 Q. And they had already spoken with, to your
21 knowledge, some of the Board members. You're unclear who had
22 already --

23 A. Yes.

24 Q. -- spoken with Tracy Davis, who was your deputy
25 superintendent, and also --

1 A. Kristen McNeill.

2 Q. -- Kristen McNeill?

3 A. And Tracy has shared with me later that it was
4 very clear to both of them -- or to her, I should say -- to
5 her that I had been terminated --

6 Q. Okay.

7 A. -- that my employment had ended.

8 Q. Okay. And that they would be --

9 A. They would be in charge.

10 Q. -- in charge of your duties?

11 A. Yes.

12 Q. Okay.

13 A. Because she was going to be in charge of
14 economics, and then Kristen would be in charge of everything
15 else.

16 Q. Okay.

17 A. So this happened all in between that 3:30 to 4:30
18 time frame.

19 Q. Okay.

20 A. So then at 4:30, I go back to my office, and I
21 realize, this is for real. So I started -- I said, I'd better
22 just grab some things.

23 In fact, you know, it's kind of funny, but I
24 decided to go grab my certificates because I got scared. I
25 said, you know, like if I need to prove that, you know, I had

1 my certificate and my bachelor's and my -- an MBA, I better
2 just -- and I started grabbing them off the wall.

3 At that time, David Aiazzi and Lisa were in
4 there, and David said, "Pedro, let's work something out. It
5 doesn't have to end this way." And I said, "Dave, I'm going
6 to tell you what I shared with Randy. My contract is really
7 clear: If you want to terminate me with cause, you have to
8 give me a ten-day notice, and there's a public hearing.

9 If you want to terminate me without cause, you
10 have to give me 90 days' notice, and then there's a severance
11 package." "Well, I'm not going to pay you that kind of money.
12 I'm not going to have the taxpayers pay you that kind of
13 money."

14 So I said, "Well, okay, Dave. Then I guess
15 that's it," and then he said, "Okay, Pedro. You got till
16 5 o'clock. And it's either going to be zero and your career
17 is going to be hurt, your family is going to be hurt, or I can
18 give you a check for \$200,000."

19 And he said, "And, by the way, we're going
20 public. Your staff have been told. We're going to send out a
21 notice to all the parents and all the families that your
22 employment has ended.

23 "You are" -- and they said, "And we're going to
24 do a press conference. So we are going public with this."
25 And -- and I said, "Okay. Well, thank you. I mean, now that

1 you have shared that with me, then I know" -- "then I know my
2 next steps." And so I -- "and you asked" -- "I mean, you have
3 a picture of me with my certificates."

4 I was just trying to get out and grab, leaving --
5 and at the end, the only thing I remember was Lisa saying,
6 "Pedro, think about your family. Think about your family,"
7 and I just said, you know, "I'm sorry. I just have to leave."

8 At that point, I left, and then I was trying to
9 find an attorney for the next hour.

10 Q. And here we are.

11 A. And that's it.

12 Q. Okay. You've gone through some of this, so I
13 apologize if some of this --

14 A. Sure.

15 Q. -- is a little redundant.

16 A. Yes.

17 Q. But I want to just make sure we get all the
18 facts --

19 A. Absolutely.

20 Q. -- and it's all really clear that we don't leave
21 anything out.

22 A. Sure.

23 Q. So you were aware that there was a school board
24 meeting on July 22nd, 2014; correct?

25 A. Yes.

1 Q. Okay. And in that school board meeting, all
2 six -- well, I should say six of the seven --
3 A. Yes.
4 Q. -- school board members were present.
5 A. Absolutely.
6 Q. It was Estela Gutierrez who was not --
7 A. Who was absent. Uh-huh.
8 Q. Okay. And had you seen the agenda for the
9 26th --
10 A. Yeah.
11 Q. -- or the 22nd meeting?
12 A. Yes. It had been out for, like I said,
13 several -- every agenda goes through my office. So I read --
14 you know, I read through every agenda, and we send it to the
15 Board president for approval.
16 Q. Okay. So you -- for every agenda for a school
17 board meeting --
18 A. Every agenda.
19 Q. -- you're aware of exactly what's going to take
20 place?
21 A. My staff puts it together.
22 Q. Okay.
23 A. And --
24 Q. And then you ultimately review it?
25 A. I review it, and then it gets sent to the Board

1 president for final approval.

2 Q. Okay.

3 A. That has always been the process.

4 Q. And that's prior to it being posted --

5 A. Yes.

6 Q. -- anywhere?

7 A. At least a week or two.

8 Q. Okay.

9 A. Yeah.

10 Q. The agenda for the July 22nd meeting, was there
11 anywhere -- and I have seen it and we have a copy of it, and
12 obviously you guys do as well. But was there any notice or
13 any information that the Board was going to have discussion or
14 possible action regarding your character, alleged misconduct,
15 your professional competence, anything in relation to you or
16 your job?

17 A. Not at all. Not at all.

18 Q. Okay.

19 A. Not at all, because if something would have
20 occurred like that, I would have asked, you know, can I see
21 these things ahead of time? I mean, literally it was brought
22 to me during a break during the training.

23 Q. Okay. And that was, you said, about 10:30 --

24 A. The break started --

25 Q. -- that the ethics training got done, roughly?

1 A. Yeah, it was -- well, they started to take a
2 break in the meeting, and this was around 10:30, 10:45. And
3 then she came in at 11. Barbara Clark came in at 11.

4 Q. And that was the first contact that you had had
5 with her --

6 A. Yes.

7 Q. -- in reference to this issue?

8 A. That's right.

9 Q. Okay. Was she alone during that meeting when she
10 came or --

11 A. No, she came -- she actually was with Barbara
12 McLaury and -- I'm sorry, with Randy Drake and Barbara McLaury
13 during that meeting.

14 Q. Okay. And she just spoke with you -- she -- that
15 was when you first heard about the allegations that there was
16 this -- this anonymous complaint?

17 A. Yes.

18 Q. Or this --

19 A. She said it was an out-of-state complaint --

20 Q. Okay.

21 A. -- and that they had already went and decided
22 to -- so one other piece that was missing, during that
23 first -- when they asked me with the six trustees, and even, I
24 think, you know, when she first brought it to me, she said
25 they had already checked my file, and they didn't find me

1 talking about being a CPA in my resume, in my application, and
2 they had not found it anywhere.

3 They even went back and looked at my interview
4 tapes when I was applying, because everything is very public
5 and everything is archived, and they said, "We didn't find
6 anything."

7 And I said, you know, "The reason for that is I
8 really" -- you know, "I am very proud of my CPA status. That
9 was 22 years ago. In between, I've gotten my MBA. I've
10 gone -- I went through national training to become a
11 superintendent with the Rhode foundation. I've been to
12 Harvard for training. So there's a lot that has happened, and
13 so it's not that I'm not proud of it."

14 Q. Sure.

15 A. But, I mean, there's a reason why -- there's no
16 real reason for me to really talk about it very much because a
17 lot of things have happened. And what's more relevant now, of
18 course, is all my training about education --

19 Q. Sure.

20 A. -- about being a superintendent.

21 So that was also shared -- shared during also my
22 meeting with the six trustees.

23 Q. Okay. And so obviously, since you weren't
24 aware -- but I just want to make sure -- that they were going
25 to be discussing this with you, were you ever given any sort

1 of either verbal or written notice that these allegations
2 existed prior to when Ms. Clark came in?

3 A. No. No. It was the first thing she shared with
4 me during that break.

5 Q. Okay.

6 A. It was the first time she shared with me that
7 they had even started doing an investigation.

8 Q. Okay. So you were never given any verbal or
9 written notice --

10 A. Never.

11 Q. -- in reference to their internal investigation
12 that they did regarding these allegations?

13 A. That's right.

14 Q. Okay. You attended part of the meeting, in
15 reference to the legal meeting where they started to discuss
16 the situation and your CPA certificate. And about how long do
17 you think you were in there, about 15 minutes? Was that --

18 A. About 15 minutes.

19 Q. Okay.

20 A. About 15 minutes.

21 Q. Was there anything else that was discussed during
22 that meeting other than you and your qualifications --

23 A. No.

24 Q. -- that they're saying you're touting your CPA
25 certificate?

1 A. Nothing else. The whole purpose of the meeting
2 was to discuss this situation.

3 Q. Okay. Do you remember which Board member
4 confirmed to you that they had looked into your resume, your
5 application, your biography?

6 A. It was actually Barbara Clark.

7 Q. Okay.

8 A. In fact, she even said herself -- and she
9 emphasized that she herself also called the licensing
10 department or entity in Illinois.

11 Q. Okay.

12 A. So she wanted to check herself, even -- even
13 after the legal attorney as well as the internal auditor had
14 checked, she wanted to check. And the reason -- those two
15 employees report directly to the Board. So those are direct
16 staff.

17 So that made me realize also, they have never
18 involved my human resources department. They have never
19 involved anybody in my staff. They didn't say that
20 especially, but I got that impression very quickly because,
21 knowing my staff, they would have brought that to my
22 attention.

23 You know, somebody is asking about this, because
24 we've had other instances in the past where people have made
25 allegations. For example, somebody said that I didn't have my

1 citizenship and I wasn't here legally. And so, I mean, HR
2 immediately said, "We've already taken care of that. Don't
3 worry about it."

4 Q. Okay. They made you aware of --

5 A. Yeah.

6 Q. -- of that?

7 A. Yeah.

8 Q. They did take care of it. But you were made
9 aware --

10 A. Yeah. They have a copy of my documentation.
11 They said, okay, whoever has it, you know, let them know HR
12 has it. I mean, it's public. Anybody wants to get --

13 MR. PETERSON: He's not talking about Board
14 accusations in the past.

15 MS. DAVIES: No, no, no, but just that his
16 staff -- that he and his staff communicate --

17 MR. MARTINEZ: That they let me know --

18 MS. DAVIES: So if something had come to their
19 knowledge --

20 MR. MARTINEZ: They would have --

21 MS. DAVIES: -- most likely, they would have --

22 MR. MARTINEZ: Yeah.

23 MS. DAVIES: -- come to you and shared.

24 MR. MARTINEZ: Yeah. But these two employees
25 report directly to the Board. So...

1 MS. DAVIES: Okay.

2 MR. MARTINEZ: So I did -- I wasn't surprised
3 that I wasn't told because, again -- I was surprised they were
4 doing the investigation. But -- and then that's why I really
5 took the whole -- from the whole -- from the beginning, I just
6 thought of it as a misunderstanding. I really thought it was
7 a minor issue. I said, "Well, you know, it's a" -- you know,
8 "let's" -- again, "Let's just figure out a way to solve it."

9 BY MS. DAVIES:

10 Q. Right. Okay.

11 So when you left the legal meeting, went back to
12 your office, they deliberated, the six board members and legal
13 counsel Randy Drake; correct?

14 A. Yes, that's right.

15 Q. Okay. Was it only those seven individuals?

16 A. Yes.

17 Q. Okay.

18 MR. PETERSON: Seven or six?

19 MR. MARTINEZ: Well, it was seven --

20 MR. PETERSON: (Inaudible.)

21 (Multiple people speaking at the same time.)

22 MR. MARTINEZ: -- the six trustees plus the
23 legal.

24 MR. PETERSON: I'm sorry. Which one?

25 MR. MARTINEZ: You know, we've had legal meetings

1 before, so -- I mean, you know, that's always been the
2 standard. It's only the attorney and the trustees and at that
3 time, also the superintendent.

4 MS. DAVIES: Okay.

5 MS. PARKER: The person who usually takes the
6 minutes wasn't there?

7 MR. MARTINEZ: Nobody's there. Yeah. They
8 purposely have nobody there for that reason.

9 MS. DAVIES: Okay.

10 MR. MARTINEZ: I mean, just because they wanted
11 to stop themselves. Randy has always told us -- Randy Drake,
12 the attorney -- said that it is officially a non-meeting.

13 BY MS. DAVIES:

14 Q. Okay.

15 A. And so, you know, there's no action to be taken
16 during those meetings and that it's just to share information.
17 So again, there -- which is again why I didn't expect
18 anything, because I thought, okay, they're discussing, and
19 then we'll figure this out. There's a misunderstanding.

20 There was no reason for me to ever suspect that
21 anything more would happen except a discussion, and if they
22 were concerned about what the public thought about my status,
23 I thought, okay, we'll have time to figure this out.

24 Q. So in the past, those legal meetings, to your
25 knowledge, have always just been discussions and share

1 information amongst the Board members?

2 A. And then the attorney and myself, among -- you
3 know, any potential issues or litigation that might exist.

4 Q. Okay. But you've always been made aware from
5 Randy Drake that no action has been taken during those
6 meetings?

7 A. Yes.

8 Q. Okay. So let's go specifically to when Barbara
9 Clark comes back into your office after they have this legal
10 meeting.

11 A. Um-hum.

12 Q. And you --

13 A. One detail, and, you know, she said it also is
14 she was -- she was very -- she emphasized that this was a
15 decision by all six trustees.

16 Q. Okay.

17 A. And that's important because I had had some
18 differences of opinion with a few of the trustees: Trustee
19 Ruggiero, Aiazzi and Rosenberg.

20 And so she said, "Pedro, this was a unanimous
21 decision among the six trustees." So she made that very
22 clear --

23 Q. Okay.

24 A. -- that they deliberated it. They had -- you
25 know -- you know, in that sense, she gave me the impression

1 that they had taken a vote and that it was a decision of all
2 six.

3 Q. Okay. So she walks back into your office, and
4 she says to you --

5 Is there anything leading up to the conversation
6 or does she just come back to you and say, "We're done with
7 you?"

8 A. Yeah, well, she -- it was -- it was, again,
9 Barbara Clark, Lisa Ruggerio and Barbara McLaury. It was all
10 three of them. And what she -- and there was nothing else.

11 She said, "We've been discussing this. We've
12 been deliberating. We made a decision, and the decision is
13 that we want to end your employment. We want to end your --
14 we want to terminate your contract."

15 Q. Do you remember -- and I know it's probably --
16 everything is --

17 A. Yeah.

18 Q. -- a bit jumbled.

19 But do you remember specifically the words that
20 she used when she first came in and told you?

21 A. She -- I remember very clearly she said that "We
22 want to end your" -- "We want to terminate your contract."

23 Q. Okay.

24 A. That was very clear to me, which is why I was
25 very calm and said, "There's two ways to do that."

1 Q. Okay.

2 A. And I just reminded them this language is in my
3 contract. It's very -- I said, "It's very simple," and that's
4 why I also said, "I respect any Board in terms of hiring and
5 changing superintendents." So those are my first two
6 statements as soon as she said that.

7 And it was specifically that she said that they
8 wanted to terminate or end my contract.

9 Q. Okay. At any time during the conversation with
10 her or the other two Board members, were you under the
11 impression that they were placing you on administrative leave?

12 A. They never said that.

13 Q. Okay.

14 A. They never said that. They never said, "Pedro,"
15 you know, "we want to take some time to look into this, and we
16 would like you to leave now." They said clearly, "We're done
17 with you." I mean, she actually said those words. "We're
18 done with you. We want to end or terminate your contract."
19 And then, like I said, you know, she said the rest, and that's
20 when Randy came in and tried to cut a deal.

21 Q. Okay. So about two hours go by that you guys are
22 going back and forth. Proposals --

23 A. Yeah.

24 Q. -- as to what they can do --

25 A. Yes.

1 Q. -- to get you to leave.

2 A. Yes.

3 Q. You're saying you're not leaving.

4 A. Yes.

5 Q. Okay. And it -- was it Randy Drake who came
6 back?

7 A. Randy -- it was Randy by himself --

8 Q. Okay.

9 A. -- coming while the other six trustees were alone
10 in the room.

11 Q. Okay. So they stayed in their room. You were in
12 your office, and he was doing the running back and forth?

13 A. Yes, yes. Until about 3:30.

14 At 3:30, because I took a break from my office,
15 and that's -- and then I found out later, about an hour later
16 they then talked to, you know, my chief of staff, Kristen
17 McNeill. They talked to my deputy superintendent.

18 And they called a meeting together with my
19 leadership team at 4:30, which interestingly enough, what I
20 found out is that they called it a continuation of their
21 meeting, so -- of their existing board meeting.

22 So there is --

23 Q. Okay.

24 A. -- there should be a taping of that 4:30
25 conversation with my leadership team.

1 Q. Okay.

2 A. Because that -- they did not -- you know,
3 according to my staff -- because they received an e-mail. I
4 didn't see it, of course. They received an e-mail saying the
5 meeting is going to be put back in session, and it's about
6 4:30.

7 Q. Okay.

8 A. And I can -- we can get the details if you like.

9 Q. Okay.

10 MR. PETERSON: That's okay.

11 MR. MARTINEZ: So that -- and so -- so that part
12 should be on the public record, because they brought them
13 back, and you can hear exactly what they said to them.

14 BY MS. DAVIES:

15 Q. Okay. And who is part of your leadership team?

16 A. So it would have been Pete Eckardt, who is my
17 chief operating officer.

18 Q. Okay.

19 A. Ben Hayes, who was my accountability officer;
20 Paul -- Paul La Marca. Paul La Marca, who is my school
21 performance director; Irene Payne, my communications director;
22 Tom Ciesynski, my chief financial officer.

23 Q. Okay. Do you know how to spell his last name?

24 A. C-I -- C --

25 Q. Ciesynski?

1 A. Ciesynski.

2 Q. Okay.

3 A. Sorry.

4 Q. That's okay. I probably just butchered it,
5 but --

6 A. Mike Schroeder, who is my budget director. Let's
7 see. Dawn Huckaby, who is my human resources director; and
8 then it would have been -- I don't know. All six were there,
9 all of my area superintendents. There are six of them.

10 Q. Okay.

11 A. So that is Joelle Gonzalez, Chad Hicks, Byron
12 Green, Roger Gonzalez, Richard Swanberg and Deborah Byersdorf
13 (ph.) And I know that they spoke to Tracy and Kristen
14 separately.

15 Q. Okay. So -- so that list of people that you just
16 gave me was part of your leadership team that they called back
17 in and reconvened their board meeting --

18 A. That's right.

19 Q. -- about 4:30.

20 A. At about 4:30.

21 Q. Okay. That should be still on the record?

22 A. That should be on the record.

23 Q. Okay. And then they spoke with your -- with your
24 deputy superintendent and your chief of staff?

25 A. Before that. Between 3:30 and 4:30, they had

1 already spoken to my deputy superintendent and my chief of
2 staff.

3 Q. Okay.

4 A. And, you know, they were both -- especially my
5 chief of staff -- was very distraught about it.

6 And they didn't give them any details. They only
7 said -- they only said -- they said, you know, "His contract
8 has ended" or "We're ending his contract" is basically what
9 they said to them.

10 Q. Okay.

11 A. And "We don't know yet" -- "we're" -- and this is
12 also shared with the leadership team. "We don't know yet how
13 long it's going to take us to find a replacement."

14 Q. So they were already talking to your leadership
15 team and those two individuals --

16 A. Yes.

17 Q. -- about finding a replacement for you?

18 A. Yes.

19 Q. Okay.

20 A. And, you know, that they weren't sure whether
21 they were going to put something in the interim or go and --
22 you know, and go with the possibility of a search for a
23 permanent replacement.

24 Q. Okay.

25 A. So that part should all be on the public record.

1 Q. Okay. Did you speak with your chief of staff and
2 your deputy superintendent after you were informed of the
3 Board's intentions prior to you leaving?

4 A. Yes.

5 Q. Okay.

6 A. I did. I tried to catch them in between that
7 hour, between 3:30 and 4:30. And that's when I found out that
8 they already had been spoken to.

9 Q. Okay.

10 A. And then they said, "We can't talk to you." So
11 that's when I also found out that the staff were told --

12 Q. Not to speak with you?

13 A. -- "Don't speak to him." And then later I was
14 told, "You are not allowed to speak to the staff."

15 Q. Okay. Who told that you were not allowed to
16 speak to the --

17 A. The Board president.

18 Q. Barbara Clark?

19 A. Barbara Clark.

20 Q. Okay. Okay.

21 Did the Board give you any indication --
22 obviously, they claim it's an anonymous complaint. Did they
23 give you any indication of where or who --

24 A. No.

25 Q. -- filed that?

1 A. No. The only thing they said, it was an
2 out-of-state person that made the complaint.

3 Q. Okay.

4 A. Or allegation.

5 Q. Okay.

6 A. That's all they said.

7 Q. Do you know -- and this goes outside of the
8 specific meeting. But do you know what Mr. Rosenberg meant
9 when he -- he was quoted -- and I don't have the exact quotes,
10 but he was discussing -- saying the issues that the Board was
11 addressing were much deeper than the CPA issues.

12 A. The only issue that was brought up on July 22nd
13 was my CPA issue.

14 Q. Okay.

15 A. And it was brought up again two times, at
16 11 o'clock by President Clark during the break and then during
17 the legal meeting that started at approximately 12:30 when I
18 was there for about 15 minutes.

19 Q. Okay.

20 A. That was the only issue that was brought up.

21 Q. No other issues?

22 A. No other issues.

23 My evaluation had just occurred a month before.

24 Q. Okay.

25 A. And then my evaluation was very comprehensive, so

1 all seven trustees were interviewed, and they had to score me
2 and rate me. They had a survey of over 500 teachers, all
3 hundred percent of my principals, and there's 93 schools.
4 They also did a survey of over 40 business leaders.

5 Q. Okay.

6 A. And that evaluation was very public. It's all on
7 June 10th. It's for hours. It's at least about a two- to
8 three-hour evaluation. It might have even been closer to four
9 hours for full comment.

10 Q. Okay.

11 A. So there was no reason for me to even be
12 suspecting that anything else would be brought up, because it
13 was all during my evaluation.

14 In fact, we had a meeting scheduled for
15 August 9th, a workshop to specifically talk about goals for
16 next year. And Jill Derby, who was one of the facilitators
17 for my evaluation, was continuing to now put goals together.

18 Per my contract, we set goals each year, and we
19 both have to read about them. August 9th was set up
20 specifically to look at goals for next year, including any
21 concerns that they had brought up during the evaluation.
22 Because as I said, it was a proficient evaluation, first of
23 all.

24 I mean, it was on the public record. Everything
25 was public. But I said, you know, if there's any concerns

1 that they still have, let's be sure we set some -- you know,
2 let's make sure we have clear expectations for my next
3 evaluation, because I want to make sure that we don't have any
4 more ongoing concerns.

5 Q. Okay. Your evaluation, you said, was very
6 comprehensive and it was proficient.

7 Were there any areas in there that were of
8 concern that Mr. Rosenberg might have been reflecting back on?

9 A. Like I said, nothing was brought up on July 22nd.

10 Q. Okay. So only the CPA issue was addressed?

11 A. Only the CPA issue was addressed. And like I
12 said -- and if you look in my evaluation, actually, there's a
13 news story that the RGJ did on it that really does a good
14 summary of it. And basically, both Dave and Howard just
15 say -- Howard mentioned something about that he -- you know,
16 he would like there to be stronger communication between me
17 and the Board, and Dave said something similar.

18 The -- and so what's interesting is that all the
19 trustees know this. Trustee Rosenberg, since he became an
20 elected officer, has never met with me one on one. He has
21 refused to meet with me one on one.

22 Trustee Aiazzi met with me twice in the beginning
23 when he -- in his first six months when he was elected, and he
24 never met with me again one on one.

25 Q. Okay.

1 A. So the others that -- I see that the other
2 trustees, specifically Trustee Mayor, John Mayor; Barbara
3 McLaury and Estela Gutierrez have always felt -- and even
4 Barbara Clark have felt that it was a little unfair of both of
5 them, but it didn't matter because in the end, the whole
6 evaluation was proficient, you know, to bring up some of these
7 issues.

8 Barbara Clark, working with Jill Derby, though,
9 our goal -- all three of us were working together to have --
10 you know, we had been having some workshops already to try to
11 just build a stronger team, and that had been ongoing. And so
12 our hope was that we would continue to do that, and then the
13 goal was, like I said, when we set our next set of goals,
14 let's continue that in that stride of trying to be -- build a
15 stronger team amongst all of us.

16 Q. Sure. Okay.

17 So it's your -- it was your -- it was strongly
18 your belief that, when Barbara Clark came in after her legal
19 meeting, that her and the Board's intention was to terminate
20 your contract?

21 A. Yes. Because she clearly said, "We are done with
22 you. We want to end your employment."

23 Q. Okay.

24 A. "There's one of two ways to go about this," and
25 so I wasn't sure if used the word "the good way or the bad

1 way" or "the pretty way or the ugly way."

2 Q. "The easy way or the hard way"?

3 A. Yeah.

4 Q. It was some connotation of that?

5 A. It was one of two --

6 Q. You can go easy or we can do it the hard --

7 A. Yeah, which is why that's where the negotiations
8 started.

9 Q. Okay. Okay.

10 So I think I -- I think I'm done. What I want to
11 do is just -- there's just a couple follow-up questions or
12 actually just real specific questions that I want to address
13 in reference to the complaint that was submitted to our office
14 where Carrie specifically states some -- the NRS's.

15 So what I want to do is just ask you if you were
16 ever notified in any manner that an administrative action
17 could be taken against you at the July 22nd meeting or that
18 the Board would consider your character, alleged misconduct or
19 professional competence at that meeting?

20 A. No.

21 Q. Okay. And to your knowledge, were there any
22 discussions or possible actions placed on any agenda that was
23 posted for the July 22nd meeting?

24 A. No.

25 Q. Okay. And then as the superintendent of the

1 Washoe County School District, were you ever given any
2 notification that the closed meeting was going to take place
3 to consider your character, alleged misconduct or professional
4 competence prior to the July 22nd meeting?

5 A. No.

6 Q. Okay. Do you know, was that closed meeting --
7 the legal meeting, was that either audio or video recorded?

8 A. They have not -- they haven't historically ever
9 taped anything over there.

10 Q. Okay.

11 A. And the whole workshop would have been audio, so
12 that's why I think that -- if they truly did reconvene the
13 meeting as I was told and that e-mail was sent, that 4:30
14 discussion with the leadership team should be on tape.

15 Q. Okay. But the actual closed --

16 A. Legal session.

17 Q. -- legal meeting is not.

18 A. We historically have never taped the legal
19 meetings.

20 Q. Okay.

21 MR. PETERSON: I think they made a public
22 statement that -- somebody had already asked that. This was
23 not recorded.

24 MS. DAVIES: Okay.

25 MS. PARKER: Yeah, I think the RGJ did a public

1 records request, and it --

2 MS. DAVIES: It was not -- that they didn't have
3 anything.

4 MS. PARKER: Yeah.

5 MS. DAVIES: Okay. I think that that is all I
6 have.

7 Carrie or Bill, do you have any --

8 MR. PETERSON: Yeah, I wanted to speak with Pedro
9 just for a minute if I could. Can we step outside?

10 MS. DAVIES: Sure. Absolutely.

11 What I'll do is I'll keep the recording going.

12 MR. PETERSON: Yeah.

13 MS. DAVIES: But if you guys -- that's fine.

14 MR. PETERSON: I stopped him --

15 MS. DAVIES: Okay.

16 MR. PETERSON: -- from saying something that he
17 received because I was worried about whether that person would
18 object to that --

19 MS. DAVIES: Sure.

20 MR. PETERSON: -- sharing of the information,
21 but -- so that person says it's okay.

22 MS. DAVIES: Oh, okay. Perfect.

23 MR. PETERSON: He (inaudible) list, by the way.

24 MS. DAVIES: Perfect. Okay.

25 MR. PETERSON: He needs this (inaudible) to you.

1 MS. DAVIES: Okay. Perfect.

2 MR. PETERSON: So Pete --

3 MR. MARTINEZ: Eckardt, my chief operating
4 officer.

5 MS. DAVIES: Okay.

6 MR. PETERSON: So Pete is --

7 MR. MARTINEZ: Sure.

8 MR. PETERSON: She can read it.

9 MR. MARTINEZ: So let me show you the e-mail and
10 then I'll --

11 So first of all, I --

12 MS. DAVIES: Okay. Do you mind if I read this
13 out loud?

14 MR. MARTINEZ: No, send me -- and then if you --
15 and then read the attachment.

16 MS. DAVIES: Okay. So this was dated on
17 July 24th at 11:22 p.m. It says, "Hi, Pedro. Attached is the
18 document regarding my recollection of what was said at the
19 LT," which I'm assuming is the leadership team meeting --

20 MR. MARTINEZ: Um-hum.

21 MS. DAVIES: -- on Tuesday.

22 MR. MARTINEZ: Um-hum.

23 MS. DAVIES: Okay. "If it was indeed a
24 continuation of the Board meeting as was stated, there should
25 be an audio recording that, should you" -- "that" -- "should

1 you be able to request.

2 "Continued prayers for you and for family.

3 Pete."

4 And then the attachment, I will go ahead and
5 read. It says:

6 "Leadership team was sent an e-mail
7 from Terry Wallace, executive
8 assistant to the Board of Trustees, on
9 Tuesday, July 22nd, 2014; at 3:34 p.m.
10 stating: Please attend the Board
11 meeting that will resume at 4:30 this
12 afternoon in the board room.

13 "At about 4:40 p.m., Barbara Clark came
14 to the podium to address staff along
15 with Howard Rosenberg, John Mayor and
16 Barbara McLaury.

17 "Barbara Clark told staff that
18 effective immediately, Pedro Martinez
19 had been relieved of his duties as
20 superintendent. Due to being an HR
21 matter, she said she could not share
22 the details.

23 "She said that Kristen and Tracy would
24 be co-managers until I believe she
25 said a new or interim superintendent

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was put in place.

"She said that it was a unanimous decision from the Board, and though it was a tough decision, it was a decision they were going to stand by.

"It was very clearly understood by staff that this was a termination that had unanimously been approved by the trustees.

"After Barbara Clark said it was unanimous, Howard Rosenberg clarified that Estela Gutierrez was not present and was not happy about the decision.

"After her statements, Barbara Clark asked for questions. The only question came from Ben Hayes, who asked: If this was a unanimous decision, where are the other trustees?

"Barbara Clark, I believe, answered something to the effect that they were doing media work.

"After the other trustees left the room, Howard Rosenberg very emotionally said that he was not happy

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about any of this and never wanted
this to happen and that we needed to
concentrate on the kids."

And that was the end; correct? Okay.

MR. PETERSON: And who was that from?

MS. DAVIES: That was from Pete Eckardt; correct?

MR. MARTINEZ: Um-hum.

MS. DAVIES: Okay. I apologize. I don't believe
I said that at the beginning. Thank you.

MR. PETERSON: And then the other thing that
he -- I was going to ask him was the -- the episode regarding
the picking up of the car.

MR. MARTINEZ: So -- well, and then the other
thing.

So when I was leaving the office, he -- they
asked the interim police chief, Jason Trevino, to escort me
out, and he reluctantly did it. In fact, he didn't even stand
next to me. He was two or three feet behind me.

MS. DAVIES: Okay.

MR. MARTINEZ: So they did ask him to escort me
out.

And then later that night, when I was in the
process of talking to Bill, Jason Trevino was sent to my
house -- he is the interim police chief -- to pick up my car.
And so, you know, I wanted to know what was going on and so I

1 wasn't there. So I just said, "Well, have Jason call me," and
2 he didn't call me, but then we went ahead and just dropped off
3 the car the next morning.

4 MS. DAVIES: Okay. Okay. Is there anything,
5 Carrie or Bill, that you have that --

6 MR. PETERSON: Maybe -- if you could turn it off
7 and Pedro can leave.

8 MS. DAVIES: Absolutely.

9 MR. PETERSON: Is that okay?

10 MS. DAVIES: Yeah. So at this time, the time is
11 1:06 p.m., and I'm going to stop the recording at this time.

12 (Recording ended.)

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STATE OF NEVADA,)
) ss.
CARSON CITY.)

I, Michel Loomis, do hereby certify:

That on July 28, 2014, an interview was held in the within-entitled matter in the office of the Attorney General.

That said interview was recorded on JAVS, and said JAVS CD-ROM was delivered to me for transcription;

That the foregoing transcript, consisting of pages 1 through 47, is a full, true and correct transcript of said recorded JAVS CD-ROM performed to the best of my ability.

Dated at Carson City, Nevada, this 30th day of July, 2014.

Michel Loomis, Transcriber

Exhibit 3

Exhibit 3

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
RENO, NEVADA

TRANSCRIPT OF ELECTRONICALLY-RECORDED INTERVIEW

TRACY DAVIS
JULY 31, 2014
RENO, NEVADA

Transcribed and
proofread by:

CAPITOL REPORTERS
BY: Michel Loomis
208 North Curry Street
Carson City, Nevada 89703
(775) 882-5322

CAPITOL REPORTERS (775) 882-5322

A P P E A R A N C E S

Office of the Attorney
General:

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Deputy Chief Investigator
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jdavies@ag.nv.gov

1 RENO, NEVADA, THURSDAY, JULY 31, 2014, P.M. SESSION

2 -oOo-

3
4 MS. DAVIES: Okay. Today's date is July 31st,
5 2014. The time is approximately 4:26 p.m. This is an
6 interview being -- taking place at the Reno office of the
7 attorney general between myself, Jennifer Davies, Deputy Chief
8 Investigator, and Tracy Davis, the deputy superintendent; is
9 that correct?

10 MS. TRACY DAVIS: Correct.

11 MS. DAVIES: Okay. And you know that I am
12 recording this.

13 MS. TRACY DAVIS: Correct.

14 MS. DAVIES: And I have your permission?

15 MS. TRACY DAVIS: Yes. I'm sorry. Yes.

16 BY MS. DAVIES:

17 Q. That's okay.

18 So I'm going to go through some questions for
19 you, and then at the end, if you have any questions, you know,
20 you can ask me and any time in between.

21 So, first, if you can tell me kind of about your
22 day, what took place on July 22nd, 2014.

23 A. Um, normal day working. Had meetings, and at
24 some point during the afternoon, I was in a meeting with the
25 team, and I received a call to come see Pedro. And, of

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1 course, I said, "Oh, I'll be down there in a sec" and after I
2 got rid of whatever, I went down there. And he was sitting --
3 he was actually standing, and attorney Randy Drake was sitting
4 next to him, and there was some paperwork there. And he said,
5 "You need to know that the Board has fired me."

6 At that time he said that, the Board president
7 came in and said, "You are no longer" -- "He's no longer your
8 boss. He no longer works for Washoe" or something in the
9 nature of: He's no longer your boss. And then I had to walk
10 out of the room.

11 Q. Okay. We'll go into a little bit more detail
12 about that in just a second if you don't mind.

13 Were you aware that there was a school board
14 meeting that was taking place on July 22nd?

15 A. Yes.

16 Q. Okay. And did you attend any or all -- any
17 portion of that school board meeting?

18 A. In the beginning, there was a workshop about
19 ethics, and then we walked out. Then I went through the
20 course of day.

21 However, I did go in to talk to a trustee about
22 an issue that had -- pertaining to a school and GT, and the
23 Board president, you know, said I had to go because it was a
24 legal meeting or a closed meeting -- a meeting that there was
25 nobody supposed to be. So --

1 Q. Okay. So that meeting that you walked into, who
2 were you going to talk to, which trustee?

3 A. Dave Aiazzi.

4 Q. Okay. And so who was in that closed legal
5 meeting? Do you remember?

6 A. So this is a transition time. So because it was
7 like -- kind of transition, so all the trustees were in there.
8 Randy Drake was in there. And I can't remember who was on the
9 side, talking, because I remember two people walked out. And
10 maybe the Board person who sets the stuff up -- like I can't
11 remember that part.

12 Q. Okay.

13 A. But the trustees were there, because I was
14 talking to Dave. And then President Clark told him -- like I
15 had to speed up because it was a closed meeting, which I
16 walked out of and I walked out.

17 Q. Okay. And when you say that the trustees were
18 there, can you tell me which trustees were present?

19 A. So all the trustees were in there except for
20 Estela Gutierrez.

21 Q. Okay. So the six --

22 A. The six.

23 Q. -- trustees?

24 A. Ruggerio, Howard, Clark, McLaury, Mayer, Aiazzi.

25 Q. Okay. Perfect. And then obviously, the legal

1 counsel, Randy Drake?

2 A. Randy Drake.

3 Q. Okay. Was Pedro in that meeting at all?

4 A. I can't remember if Pedro was in there at that
5 point in time because I was just going in to answer a
6 question, and I just kind of got shooed out.

7 Q. Okay. Had you seen or were you aware of the
8 items that had been placed on the agenda for the July 22nd
9 meeting?

10 A. Pretty much. But honestly, like if it's no big
11 deal, like I'm not going to go: Oh, we got to show up to that
12 like that's something major. So whatever it was, I thought it
13 was probably a closed session because closed sessions, they do
14 negotiations.

15 Like, I mean, I don't go to those.

16 Q. Okay.

17 A. So I just assumed they were doing negotiations or
18 something and it was about our ethics training. So I was kind
19 of like, okay.

20 Q. Okay. Do you typically see the agendas --

21 A. Oh --

22 Q. -- that -- before they're posted?

23 A. Yes.

24 Q. Okay.

25 A. We get sent them in advance.

1 Q. Okay. So you would have seen the agenda for the
2 22nd or any other prior meeting?

3 A. Of course.

4 Q. Okay. And on that agenda for the July 22nd
5 meeting, was there any -- anything posted on that agenda or
6 placed on that agenda in reference to having any sort of
7 discussion or taking possible action regarding Superintendent
8 Martinez's character, alleged misconduct, professional
9 competence?

10 A. None of anything of the sort was on that.

11 Q. Okay. If it had been placed on the agenda, would
12 that have been something that you would obviously remember?

13 A. Absolutely.

14 Q. Okay. Prior to the July 22nd meeting, were you
15 aware of any sort of allegations that had been made against
16 Superintendent Martinez, and I speak directly in reference to,
17 you know, the events that took place in reference to his CPA
18 certificate.

19 A. That was a big shock to everybody. Like I was
20 like, what? Like nobody had any idea what had happened.

21 Q. Okay. So you had said just a minute ago that you
22 had gotten a call from Pedro.

23 A. It wasn't Pedro. Somebody in his office called
24 and said, "Pedro wants to see you."

25 Q. Okay. So somebody from his office --

1 A. Um-hum.

2 Q. -- called?

3 A. It probably was his secretary called my secretary
4 and said, "Hey, Tracy, come down."

5 Q. Okay. So you go down to Pedro's office?

6 A. Right.

7 Q. And in his office at that time was himself and
8 legal counsel --

9 A. Randy Drake.

10 Q. -- Randy Drake?

11 A. Initially.

12 Q. Okay. Right.

13 A. And he says to me, "The Board just fired me," and
14 you can tell like he's frazzled, like it just seemed a little
15 weird, but he said, "You need to know this. I'm the deputy.
16 He goes the Board just fired me." I'm like "okay".

17 Because that transpired, the Board president
18 walked in, and there was somebody behind, and I forget who it
19 was. But she said to me, "You don't take direction from him.
20 He's no longer your boss," and then I had to walk out.

21 Q. Okay.

22 A. Right. That was the first time.

23 Q. Okay. Why at that time did you have to walk out?

24 A. Because he's no longer your boss.

25 Q. Okay.

1 A. I'm not trying to be fired. So let's not be
2 silly.

3 Q. I understand.

4 A. Right? Okay. I don't know what I just got this
5 door kicked, and they sucked me in, so I'm going to step out
6 and try to figure out what's happening right here. Because
7 and I got really mad, kind of in shock. Like really like --
8 what? What? Whoa, right? So I actually go out and I sit on
9 a seat outside of his office.

10 Q. Okay.

11 A. And then there was a couple of other trustees, I
12 think Ruggerio came in and McLaury, I believe, was along with
13 Clark. But there were people coming in and out. But who
14 directly spoke to me was -- the first time --

15 Q. Was President Clark?

16 A. Right.

17 Q. Okay. Do you remember about what time this took
18 place in the afternoon?

19 A. It was after 1, after 12, because I know it was
20 lunch time. I went all the way up to -- I mean, I had some
21 meetings. I was doing some -- so I'm going to say late
22 afternoon.

23 Q. Okay.

24 A. Like it was late afternoon.

25 Q. Do you remember -- just trying to maybe put it a

1 little bit in context. I know you probably don't leave your
2 office straight up at 5 o'clock every day -- or maybe you do.
3 But in reference to maybe the time that you were getting ready
4 to leave, was it --

5 A. Oh, that's --

6 Q. -- shortly before that?

7 A. No, no. Because I was in a meeting. It was
8 closer towards the end of the day for sure, because after -- I
9 don't know how much time went by, we had to gather people up
10 because they told us there was going to be an announcement.

11 Q. Okay.

12 A. So I had to gather the academic side of the house
13 up, and that was close to going home time.

14 Q. Okay. So it was definitely later in the
15 afternoon?

16 A. Oh, yeah. Yeah.

17 Q. Okay.

18 A. And I'm thinking, now that I think about it,
19 because we were having a meeting -- it could have been after 2
20 when it started, like the initial --

21 Q. Okay.

22 A. -- end.

23 Q. Okay. And it was -- it was President Clark who
24 specifically said to you that he's no longer your boss,
25 something to the effect, you don't take direction --

1 A. Right. (Inaudible) because (inaudible) he just
2 told me he was fired. She says that, and I'm like, okay.

3 Q. Okay. And that's when, then, you walked out
4 of --

5 A. Yes, I did.

6 Q. Okay. What was your impression of the
7 information you had just received?

8 A. Like -- so initially with Pedro, like he was
9 shocked. I was shocked. Because I like: Where is this
10 coming from? Like: What? This isn't like -- you know, it's
11 just kind of not how we operate; right?

12 Q. Sure.

13 A. It was a little shocking. And then there was --
14 not long after that, we were told that we were going to get
15 called back in the office. So then as -- like then you start
16 processing; right?

17 Q. Sure.

18 A. And then we get some more information later when
19 they called me and the chief of staff back in together.

20 Q. Okay. Did President Clark ever tell you
21 specifically that -- that Superintendent Martinez's contract
22 had been terminated or that he had been fired? Or was it --

23 A. The term "fired" was not used to my recollection.

24 Q. Okay.

25 A. However, also the term "on leave" wasn't, because

1 we were told he no longer worked for the District. You no
2 longer work for the District, that means you're fired.

3 Q. Okay. So your impression after speaking with
4 President Clark was simply he no longer had a job with the
5 District?

6 A. Yes, and that's partially conveyed by Pedro too,
7 because he told me he was fired first.

8 Q. Okay.

9 A. And she comes back and said he no longer works
10 for the District.

11 Q. Okay. So they matched up?

12 A. Right.

13 Q. And no discussion with President Clark? Did she
14 tell you that Pedro was on administrative leave?

15 A. No.

16 Q. Okay. And I hate to belabor this --

17 A. Yeah, I know.

18 Q. -- but did you believe when you left the room,
19 when you left his office --

20 A. The first time?

21 Q. The first time.

22 A. Okay.

23 Q. The first time, and we'll clear that up.

24 After Pedro told you he was fired and after
25 President Clark informed you he no longer worked for the

1 District -- so that would have been the first time -- did you
2 believe that that was a permanent decision --

3 A. Yes.

4 Q. -- made by --

5 A. Yes.

6 Q. -- the board members?

7 A. Yes.

8 Q. Okay. So at this time, you're sitting out in --

9 A. I think (inaudible) because I was in the middle
10 of a meeting, remember. So I get up and they said they'll
11 call me back; right?

12 Q. So what happened when -- who called you back, I
13 should say?

14 A. So Pedro's office called me back, and I figured:
15 I'm not going down there. I'm not. It's -- all right? I'm
16 going to go down there. There's (inaudible) down there.
17 Okay, I'm going to go down here.

18 Go down there, then in the room, then there was
19 an attorney, the six trustees --

20 Q. Okay.

21 A. -- and then Kristin McNeel, the chief of staff,
22 and I.

23 Q. Okay. So Pedro was not in this meeting when you
24 got called back?

25 A. No.

1 Q. Okay. What took place in this second meeting?

2 A. The gist of it was that we were going to be
3 co-managing the District.

4 Q. Okay.

5 A. Kristin would be in charge of operations, and
6 then I would be in charge of academics, which I'm already in
7 charge of academics.

8 Q. Okay. So -- but you would have taken over
9 whatever duties that Pedro had in terms of the academic
10 portion?

11 A. I'm over academics now, so it wouldn't be
12 different.

13 Q. Okay. So nothing really changed for you in --

14 A. In that meeting.

15 Q. -- in that meeting. Okay.

16 Were you ever -- were you ever told in writing
17 that this was going to be what took place?

18 A. So later, we did receive an e-mail.

19 Q. Okay.

20 A. And the e-mail said that until like -- it went
21 out to the staff, so they announced it to the leadership team.

22 Q. Okay.

23 A. And then an e-mail went out, and we had to
24 produce what duties we were going to be doing and splitting up
25 that normally would not -- like how it was going to impact and

1 what we were going to do that -- like we were working on a
2 project of the duties.

3 Q. Got you. So what your new duties that were added
4 to your -- your current position --

5 A. Well, we were sending an e-mail of what the
6 duties would be like, how we would split up -- like talk about
7 like who would take over what type of things. Like I would be
8 approving certain people's credit cards that Pedro would
9 normally approve. That's when we -- like when we got the
10 e-mail, we were supposed to develop a plan to present to them.

11 Q. Okay. Can you go into a little bit more detail
12 about that e-mail and what you and Kristin decided to split?

13 A. Pretty much, it said -- I mean, like we had to
14 sit down with the Board president and go over like what we
15 would be doing and the status of what was going on. So what
16 our interpretation was -- which we had not presented this yet,
17 was we were going to go through all the things that Pedro --
18 so Pedro oversees operations, pretty much.

19 Q. Okay.

20 A. And then we have a chief operating officer and a
21 chief of staff.

22 My side of the house, I oversee all academics, a
23 whole plethora. So really, what we had to do is go over -- we
24 went to look at his side and kind of see like what kind of
25 things that we would do that was differently. I mean, in

1 addition to my duties, of course, I'll be -- like I sign
2 paperwork that he would normally sign, but I would sign it if
3 he wasn't there anyways. So, to me, that was just an
4 extension of the superintendent is not there and the deputy is
5 to sign.

6 Q. Okay. So if he had been --

7 A. On vacation.

8 Q. -- on vacation or --

9 A. Right.

10 Q. -- at a training somewhere --

11 A. Right.

12 Q. -- you would have signed?

13 A. Right. The credit card approval process and
14 those pieces -- like I would not normally sign his secretary's
15 credit card. He does that.

16 Normally, he would sign off on my credit card,
17 but that got shifted to the chief financial officer.

18 Q. Okay.

19 A. So the chief of staff -- now, we're not approving
20 each other's stuff. We'll send that to the chief financial
21 officer.

22 Q. Okay. So that is a little bit of what has
23 changed that --

24 A. For me.

25 Q. Right.

1 A. Right.

2 Q. And that was what you guys were discussing, that
3 plan to come up with in that second meeting.

4 A. Right, right.

5 And mine was a little different than hers because
6 I'm already over a whole bunch of stuff. So I didn't pick up
7 tons of extra stuff.

8 Q. Okay.

9 A. And then the pieces that was discussed that are
10 intentions and suggestions, like we need to know how to
11 operate. We hadn't got to that meeting yet. But like, okay,
12 this is what normal course of business would look like for me
13 and Pedro. If there was an issue and we didn't agree, like
14 we'd discuss it and come up with a solution, right. What is
15 that going to look like now. Right?

16 Q. Right. Got you.

17 Okay. So obviously, President Clark, in that
18 second meeting, told you and the chief of staff, Kristin
19 McNeel, that the two of you were going to be co-managers --

20 A. Of the District.

21 Q. -- of the District. Okay.

22 A. And they asked if I would accept. Dave Aiazzi
23 said, "If you don't want to do it, you don't have to do it,"
24 and we said: No, we'll continue to work.

25 Q. Okay. Did President Clark give you any specific

1 instructions as to what your duties for the future would be,
2 or was that pretty much left up to you and Kristin?

3 A. That was pretty much left up to me and Kristin.

4 Q. Okay. At any time during the first meeting or
5 the second meeting, did President Clark give you any directive
6 to not speak with Pedro at any time?

7 A. I think it was clear when she first told me that
8 I was not supposed to talk to him.

9 Q. Okay.

10 A. Because he was no longer -- said I don't take
11 direction from him because he's not my boss. He doesn't work
12 for the District.

13 Q. Okay. But she never specifically said, "Don't
14 talk to Pedro"?

15 A. Well, she stated in front of me and in front of
16 Pedro, and she says to me, "He is no longer your boss. You do
17 not take direction from him."

18 Q. Okay. I understand.

19 Did you -- at any time after your first meeting
20 with Pedro, did you ever -- have you ever spoken with him
21 since on any level?

22 A. To Pedro?

23 Q. Yes.

24 A. Since that meeting with --

25 Q. Since the July 22nd --

1 A. Yeah, but I can't -- like it was very -- I think
2 I asked him a question about something or he asked me a
3 question. Honestly, I can't remember what it was. Like it
4 wasn't -- like I tried to stay away from work; right? Because
5 I don't need to be caught up in their minutiae and their
6 drama.

7 Q. Sure. Did you ever discuss any of these events
8 that took place with any of the other board members -- or do
9 they call themselves board members or trustees?

10 A. Trustees.

11 Q. Okay. So we'll change that.

12 Have you spoken to any of the trustees regarding
13 any of the events that took place that day?

14 A. I know that I spoke with Estela the day of, and
15 it was pretty much she said that she didn't know what was
16 going on. She was like, I didn't know what was going on.

17 Q. Okay.

18 A. And part of that, I think, maybe is because of
19 some discussion that was had when they announced to the
20 leadership team about a vote.

21 Q. Got you.

22 So then in reference to that, did President Clark
23 make an announcement to the leadership team in a separate
24 forum --

25 A. Yes.

1 Q. -- apart from you and Kristin?
2 A. Yes. They asked us to call the leadership team
3 together for an announcement.
4 Q. Okay. And obviously, since you had had -- well,
5 let me backtrack.
6 You had had your meeting with President Clark --
7 A. Correct.
8 Q. -- already.
9 A. Right.
10 Q. Was the meeting with the leadership team after
11 that?
12 A. Yes.
13 Q. Okay. So you and Kristen were aware that Pedro,
14 according to President Clark, no longer worked for the
15 District?
16 A. At that time.
17 Q. And that was what the meeting was.
18 A. The announcement was to tell everybody.
19 Q. Okay. Perfect.
20 Let me just ask you this: Do you know anything
21 about this anonymous complaint that came in regarding Pedro?
22 A. Like I heard that there was an anonymous
23 complaint, and I heard that the chief internal auditor was the
24 one doing the research with the -- with Randy Drake.
25 Q. Okay. Do you know anything more? Do you know

1 who, where?

2 A. No.

3 Q. Okay. You just had heard.

4 Okay. Are you and Kristin, chief of staff,
5 and -- and I should say was Pedro given District cell phones
6 for work purposes?

7 A. Yes.

8 Q. Okay.

9 A. Well, we would receive a stipend for our
10 telephone bill.

11 Q. Okay. So then you use your own personal cell
12 phone?

13 A. No, I have a work phone and a personal phone.

14 Q. Okay. You have -- do you know if Pedro had a
15 work phone and a personal phone?

16 A. Yeah, he had two phones.

17 Q. Okay. Do you know if Kristin had a work phone
18 and a personal phone?

19 A. I do not know that.

20 Q. Okay. Did you and Pedro communicate, obviously,
21 by cell phone. You guys would call each other, discuss things
22 on that cell phone?

23 A. On --

24 Q. Just in the past. In the -- in the past, did you
25 guys --

1 A. Yeah, we had communicated before.

2 Q. Okay.

3 A. You know, and not necessarily just work stuff.
4 So we had some communication.

5 Q. Okay. Did you have any reason or did you and
6 Pedro have any -- any time that you would text message at all?

7 A. We texted each other before.

8 Q. Okay. Have you texted each other, whether it be
9 on your personal or on your work cell phone?

10 A. Yes.

11 Q. Okay. Do you know if any of the trustees are
12 given District computers, cell phones --

13 A. I'm aware that they receive a stipend.

14 Q. Okay.

15 A. Now, how they do their stipends -- I know they
16 have phones and they had received stipends for phones and
17 computers. I don't know who has a computer, but they all
18 pretty much receive a stipend for their phone.

19 Q. Okay. So would it be that they also have a
20 District-issued cell phone or can they use that stipend to pay
21 for their personal phone and use that?

22 A. It's my understanding that it's their choice.
23 Like I am aware that there is one trustee who did purchase a
24 phone with it, so I know that just because it was a
25 conversation that she had a phone. But I don't know how --

1 like John Mayer, I don't think he purchased a phone. He has a
2 stipend. So they all choose, and I don't really get into
3 their --

4 Q. Sure.

5 A. I mean, I happen to know that because of
6 conversations. But I don't know who did what, all of them.

7 Q. Okay. So who was the trustee that you're aware
8 of that did buy a phone?

9 A. Ruggiero.

10 Q. Okay. And so then it's up to them how they use
11 that stipend?

12 A. Yeah.

13 Q. Okay. Have you had any reason to communicate
14 with the trustees by text message or cell phone on any
15 occasion?

16 A. Yes.

17 Q. So you have used your work phone to contact them
18 regarding, you know, school board matters?

19 A. Right.

20 Q. Okay. Now, you may not know this, but I'll ask
21 you: Do you know who the Internet service provider is for the
22 District?

23 A. I think AT&T.

24 Q. Okay. Would that also be the same for the -- the
25 work phones?

1 A. So that's different, and that's by the
2 individual. For me, it would remain the same because I
3 purchased my phone with my own money. They paid a portion of
4 the phone bill. Got a stipend; right?

5 Q. Okay.

6 A. It kind of depends on the individual.

7 Q. Okay. Perfect.

8 Are you aware of any documents, whether it be
9 written or by e-mail or anything, that prove or suggest that
10 Pedro Martinez was put on administrative leave with pay?

11 A. Administrative leave, no. We (inaudible)
12 received a Connect Ed call and e-mails went out to all the
13 families, like the president sent out -- and I actually don't
14 recall, I don't believe an initial e-mail and Connect Ed
15 message that said "leave."

16 Q. Okay.

17 A. I don't think it said "fired" either, but it
18 didn't say "administrative leave."

19 Q. Okay. Do you -- how do you get those --

20 A. So --

21 Q. -- messages out?

22 A. So, typically, they run through a system. And it
23 could be sent out from -- like I can send one out through
24 Communications and say, hey, I need it to these zoned schools
25 or whatever. I believe that message -- the global messages

1 are typically sent out by Communications and crafted with the
2 chief communications officer and whoever wants to send
3 whatever message they want to.

4 Q. Okay.

5 A. And it goes out -- and I get one because my kid
6 is enrolled in school, so I get the parent one.

7 Q. Yes.

8 A. And then I suppose the e-mail went out -- I don't
9 know. I get 2,000 e-mails. I never read the e-mail. I heard
10 the phone message.

11 Q. Okay. But you believe that there might have been
12 an e-mail that went out to staff regarding --

13 A. Oh, one did go out. I just didn't read it. But
14 like, I mean, I'm already in it, so I was like, oh, you know.

15 Q. Okay. So you just --

16 A. It's probably sitting in the queue right now.
17 I'm just being honest.

18 Q. Yeah, with your inbox waiting for you to open it
19 someday.

20 A. Yeah, yeah.

21 Q. Yeah. No, I get that.

22 Was there any period of time that you're aware of
23 that there was any sort of uncertainty or that Pedro
24 Martinez's employment status was undefined?

25 A. No, and that would be important to me because he

1 brought me here to work. So I have a different -- I mean, I
2 would still continue to work, but like we would talk about
3 that, you know what I mean? And we've had many conversations.
4 At some point, if he decides to go -- I truly believe
5 everybody was shocked when this happened, you know, like:
6 What?

7 I know that it was contentious between him and
8 the Board. Nobody's going to sit here and say: Oh, they were
9 real happy, but it never got to the point where we thought he
10 would be terminated.

11 Q. Okay. Do you have any idea what Trustee
12 Rosenberg meant when he made the comment that "these issues go
13 much deeper than the CPA"?

14 A. No.

15 Q. Okay. But you do know that the relationship
16 between Superintendent Martinez and the trustees was not
17 super-friendly?

18 A. And the deputy, of course.

19 Q. Okay.

20 A. I mean, it is what it is.

21 Q. Sure. And not everybody likes everybody.

22 A. Right, right. But, to me -- I mean, that
23 happens, but...

24 Q. Okay. Okay. So I just want to -- just one final
25 question.

1 And I know I asked you this prior, but just to
2 make sure that there's no misunderstanding. From that first
3 meeting that you walked into, Pedro informed you that he had
4 just been fired.

5 A. Correct. And Randy Drake was sitting in that in
6 the same setup. Pedro was there. I was here and Randy Drake
7 was there, and he said that they, "the Board just fired me."

8 Q. And then President Clark came in --

9 A. Right.

10 Q. -- and she informed you that --

11 A. That he no longer worked for the District.

12 Q. Okay. And you were to no longer take direction
13 from him?

14 A. Right. Correct.

15 Q. Okay.

16 MS. DAVIES: That's all I have.

17 Do you have any questions for me?

18 MS. TRACY DAVIS: So this is an investigation, so
19 I'm clear. And -- I don't think I have any questions.

20 MS. DAVIES: Okay.

21 MS. TRACY DAVIS: Let me think for a sec.

22 MS. DAVIES: Sure. Take your time.

23 MS. TRACY DAVIS: I have to craft it correctly.

24 The information used here could be a public
25 record; correct?

1 MS. DAVIES: Eventually, it could be. Yes.

2 MS. TRACY DAVIS: Okay.

3 MS. DAVIES: What happens at this point, because
4 I'm still in the middle of my investigation. You know, it's
5 not. If and when something does happen, then it could be made
6 public record. So --

7 MS. TRACY DAVIS: Got it.

8 MS. DAVIES: Yes. Okay. Any other questions?

9 MS. TRACY DAVIS: Nope.

10 MS. DAVIES: Okay. So I'm going to go ahead and
11 end our interview.

12 It is approximately 4:55 on July 31st, 2014. And
13 the interview is concluded.

14 (Proceedings concluded.)

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1 STATE OF NEVADA,)
2 CARSON CITY.) ss.

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I, Michel Loomis, do hereby certify:

That on July 31, 2014, an interview was held in the within-entitled matter in the office of Attorney General.

That said interview was recorded and said CD-ROM was delivered to me for transcription;

That the foregoing transcript, consisting of pages 1 through 28, is a full, true and correct transcript of said recorded CD-ROM performed to the best of my ability.

Dated at Carson City, Nevada, this 21st day of August, 2014.

Michel Loomis, Transcriber

Exhibit 4

Exhibit 4

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
RENO, NEVADA

TRANSCRIPT OF ELECTRONICALLY-RECORDED INTERVIEW

BARBARA McLAURY

AUGUST 4, 2014

RENO, NEVADA

Transcribed and
proofread by:

CAPITOL REPORTERS
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1 RENO, NEVADA, TUESDAY, AUGUST 4, 2014, 1:35 P.M.

2 -o0o-

3
4 MS. DAVIES: Today is August 4th, 2014. This is
5 an interview being conducted at the law offices of Kent
6 Robison at 71 Washington Street in Reno.

7 Present in this interview is myself, Jennifer
8 Davies, Deputy Chief Investigator; Washoe County School
9 District Board of Trustee Barbara McLaury. Spelling is M-C,
10 capital C, L-A-U-R-Y.

11 MS. McLAURY: No C.

12 MS. DAVIES: No C. I apologize. So it's M-C --

13 MS. McLAURY: M-C, capital M, capital L.

14 MS. DAVIES: My apologies. L-A-U-R-Y?

15 MS. McLAURY: Um-hum.

16 MS. DAVIES: And then also Kent Robison and
17 Michael Malloy.

18 The time is approximately 1:37 p.m.

19 BY MS. DAVIES:

20 Q. And, Barbara, you're aware that this is being
21 tape recorded?

22 A. Yes, I am.

23 Q. And I have your permission to do so?

24 A. Yes, you do.

25 Q. Okay. So we'll go ahead and get started. First

1 of all, have you spoken to any of the other Board of Trustees
2 members regarding this interview and what you guys were going
3 to say?

4 A. No.

5 Q. Okay. When was the last time that you had spoken
6 with any of the trustees?

7 A. I think it was day before yesterday.

8 Q. Okay.

9 A. When we were here.

10 Q. Okay.

11 A. In this office.

12 Q. Okay. Can you tell me what was discussed.

13 MR. ROBISON: Was that in the presence of me? In
14 my presence?

15 MS. DAVIES: Yes.

16 MS. McLAURY: But not beyond that.

17 MS. DAVIES: Okay.

18 MR. ROBISON: What occurred there was
19 attorney/client communication.

20 MS. DAVIES: Perfect. No problem.

21 BY MS. DAVIES:

22 Q. So let's -- there was a statement that President
23 Barbara Clark put out last week -- actually, July 31st, it's
24 dated -- in which she talks about "rather than debating this
25 issue," the complicated issue regarding Superintendent Pedro

1 Martinez, "that we have agreed that last week's events are
2 void."

3 Are you aware of the statement that I'm reading?

4 A. Yes.

5 Q. Okay. Were all of the board members, to your
6 knowledge, aware of and in agreement with this statement?

7 A. Yes.

8 Q. Okay. Did you guys as a Board conduct or
9 construct the statement together?

10 MR. ROBISON: That was between me and President
11 Clark.

12 MS. DAVIES: Okay. This was -- this was pretty
13 much written between yourself and President Clark?

14 MR. ROBISON: Correct. At a gathering.

15 MS. DAVIES: Okay.

16 BY MS. DAVIES:

17 Q. But you as a trustee agree with the information
18 that was in that statement?

19 A. Yes.

20 Q. Okay. You're in agreement with the statement
21 regarding the events that took place with Superintendent
22 Martinez that the events are void, if you want to say that's
23 what is stated in there.

24 Can you explain the actions that you as a trustee
25 member are talking about that are void?

1 A. Well, it appears that when we met, we basically
2 were concerned about an allegation that had been made. And
3 when we presented it to the superintendent, because of his
4 demeanor, we basically felt that we needed to put him on like
5 a leave or something like that.

6 Q. Okay. And are those the actions that you're
7 talking about that were, quote/unquote, void?

8 A. Yes.

9 Q. Okay. Is there anything else that you as a
10 trustee feel that -- that you did wrong in that meeting where
11 you guys made that decision?

12 A. No.

13 Q. Was there anything else that you would consider
14 void?

15 MR. ROBISON: I'm sorry, Jennifer.

16 MS. DAVIES: Sure.

17 MR. ROBISON: I think just for clarification,
18 there was officers involved in a decision --

19 MS. DAVIES: Correct.

20 MR. ROBISON: -- that led to a public
21 announcement.

22 MS. DAVIES: Correct.

23 MR. ROBISON: So, when you say "you guys," I just
24 wanted to make sure we're --

25 MS. DAVIES: Perfect. That it's the board

1 members. I'll be a little bit more specific.

2 MR. ROBISON: It goes to the Board itself, what
3 the officers did as opposed to what the rest of them did or
4 did not do.

5 MS. DAVIES: Correct.

6 MR. ROBISON: Thank you.

7 MS. DAVIES: You bet.

8 BY MS. DAVIES:

9 Q. Did you want to go ahead and answer?

10 A. I don't even remember the question.

11 Q. Okay. It was if there was anything else that you
12 as a trustee felt that was -- that was void other than that
13 specific action regarding the allegations.

14 A. No.

15 Q. Okay. When was the decision made to enter into
16 what has been known as the -- it's either a non-meeting or the
17 closed legal meeting after the initial board meeting on
18 July 22nd?

19 A. When was -- say that again?

20 Q. When was that decision made to enter into that
21 closed legal meeting with Counsel Drake, Randy Drake?

22 A. I would say somewhere around -- hum. I'm not
23 positive, but I think it might have been around 11:30,
24 something like that.

25 Q. Okay. And that was on July 22nd; correct?

1 A. Yes, um-hum.

2 Q. Okay. Who was in attendance in that -- that
3 legal meeting?

4 A. Myself, Randy, Barbara Clark, John Mayer, Dave
5 Aiazzi, Lisa Ruggerio, and Howard Rosenberg.

6 Q. Okay. So all of the trustee members were in
7 attendance except Estela Gutierrez?

8 A. Well, she was on the phone for a portion of that
9 meeting.

10 Q. Okay. Can you tell me what portion of the
11 meeting she was on the phone for.

12 A. Well, it was sort of the end of the discussion
13 with the Board of Trustees before the officers went in to
14 speak with Pedro.

15 Q. Okay. And what was the purpose of this legal
16 meeting?

17 A. To provide information to all of the board
18 members that there had been allegations regarding Pedro's
19 being a CPA.

20 Q. Okay.

21 A. And we believed -- or the meeting was then to see
22 whether -- so that everyone would understand that that
23 allegation had been made.

24 Q. Okay. So the allegation had been made.
25 Ultimately, can you tell me a little bit about what was

1 discussed in that legal meeting.

2 A. That -- the allegation. That was pretty much it.

3 Q. Okay. So, I mean, I guess I'm wondering what
4 took place and what discussion was made between the trustee
5 members.

6 MR. ROBISON: Can I help?

7 MS. DAVIES: Sure.

8 MR. ROBISON: Help you. There was a series of
9 discussions.

10 MS. DAVIES: Okay.

11 MR. ROBISON: And it starts with a disclosure
12 about the CPA issue.

13 MS. DAVIES: Okay.

14 MR. ROBISON: And the officers go see Pedro and
15 the officers come back and report to the board room where they
16 were all. And this shuttled back and forth over a period of
17 several hours.

18 When you say "meeting" or "discussion" --

19 MS. DAVIES: Okay.

20 MR. ROBISON: -- the officers are meeting with
21 Pedro, and the officers are reporting to the Board.

22 MS. DAVIES: And then they come back. There's
23 more meeting. It's back and forth.

24 MR. ROBISON: It goes back and forth.

25 MS. DAVIES: So maybe what I need to do is be a

1 little more specific as to time frame that the discussion and
2 the meeting prior to meeting with Pedro and informing him of
3 his -- his departure.

4 Whether it be that he was terminated or put on
5 administrative leave, I won't be specific because I believe
6 that ultimately is in question.

7 BY MS. DAVIES:

8 Q. But what discussion did you as a trustee have
9 during that time?

10 Do you understand?

11 A. No.

12 MR. ROBISON: As an officer of the Board?

13 MS. McLAURY: Which time?

14 MR. ROBISON: Officers were determined to talk to
15 Pedro, the three officers.

16 BY MS. DAVIES:

17 Q. Okay. Let me -- maybe we should do this.

18 Who were the officers of the board?

19 A. I am the vice president. Barbara Clark is the
20 president, and Lisa Ruggiero is the clerk.

21 Q. Okay.

22 A. And we represent as the officers.

23 Q. And then you represent the entire Board, and it
24 was -- was it you, Lisa Ruggiero and President Clark who then
25 ultimately went down and spoke with Pedro regarding these

1 allegations?

2 A. Well, I don't know that we represent the entire
3 Board, but we went in to convey the information to Pedro of
4 what the Board had felt.

5 Q. Okay. Had you received any advice from your
6 legal counsel during this meeting?

7 MR. ROBISON: As an officer?

8 MS. DAVIES: Yes.

9 MR. ROBISON: Go ahead.

10 MS. McLAURY: No.

11 BY MS. DAVIES:

12 Q. Okay. As a -- I guess let me ask you this: As
13 an officer, are you also -- because this is a little bit new
14 to me with the whole Board and everything. As an officer, are
15 you also then a member or a trustee, as is Dave Aiazzi and
16 Howard Rosenberg?

17 MS. McLAURY: Yeah.

18 MS. DAVIES: Okay.

19 MR. MALLOY: Are you asking a member of the full
20 board of trustees; isn't (inaudible) fact --

21 MS. DAVIES: Yeah, I'm just kind of trying to get
22 an idea of the way the composition is laid out.

23 MR. ROBISON: I think you will find out as this
24 thing progresses that there's a decision at the officer level
25 but not necessarily a decision at the Board level.

1 MS. DAVIES: Okay.

2 MR. ROBISON: That's where this thing goes.

3 MS. DAVIES: Okay. That makes it a little bit
4 clearer.

5 MR. ROBISON: Thank you.

6 BY MS. DAVIES:

7 Q. So then, as an officer, then did you receive
8 advice from your legal counsel during this legal meeting?

9 A. With all the rest of the trustees. And I don't
10 recall what specifically he -- if he said something.

11 MR. MALLOY: And, of course, it would be
12 privileged.

13 MS. DAVIES: Exactly. And I'm not asking what
14 information.

15 BY MS. DAVIES:

16 Q. I'm just asking in general if you received any
17 legal advice from counsel during that meeting.

18 A. I don't recall that.

19 Q. Okay. Was there a point during this meeting,
20 this legal meeting, that a decision regarding Superintendent
21 Martinez's contract was made?

22 A. No.

23 Q. Okay. So at what point did the Board and the
24 officers make a decision regarding his contract and what you
25 as a -- as a Board and the officers were going to do?

1 MR. ROBISON: There was a decision, Jennifer.
2 The decisions that were made by the officers were not
3 necessarily decisions of the Board. I just want to point that
4 out to you.

5 MS. DAVIES: Okay.

6 MR. ROBISON: When you put them together, they're
7 not --

8 MR. MALLOY: It's the way you're asking your
9 question.

10 MS. DAVIES: I'm making them one and the same.

11 MS. McLAURY: Yeah.

12 BY MS. DAVIES:

13 Q. So let me clarify.

14 Was the decision by the officers, which would be
15 you, President Clark and Ruggerio, was that a decision that
16 was unanimous with the other trustees?

17 A. There really wasn't any kind of decision made by
18 the trustees going into the first discussion of Pedro or the
19 discussion with Pedro. It was to go and say: 'We've got this
20 allegation.

21 Q. Okay.

22 A. And --

23 Q. Why don't we -- why don't we back up, and then
24 maybe I can get a little more specific.

25 Why don't you tell me what happened from the time

1 that you entered into that very first meeting to discuss the
2 allegations. What happened throughout the process for you?

3 A. In the first meeting with the Board of Trustees?

4 Q. Yes. In that initial legal meeting.

5 A. Oh. Well, Barbara Clark led that discussion that
6 there had been an allegation, and there -- what she perceived
7 to be a very serious one and wanted everyone to know about
8 that.

9 Q. Okay.

10 A. And then there was some discussion about that,
11 and then the officers were asked to go -- to discuss that with
12 Pedro.

13 Q. Okay. And what was discussed with Superintendent
14 Martinez?

15 MR. ROBISON: With the officers.

16 MS. DAVIES: With the officers. Yes.

17 MS. McLAURY: Well, we went and sat at the table
18 and Barbara said, "There's been an allegation that we feel is
19 very serious," and then I believe -- she said something about
20 a public meeting, as I recall. And then he -- he began to get
21 upset at that point, and he said he wasn't going anywhere.

22 And then things sort of -- for me, I don't recall
23 much because he had said he was going to talk to or call
24 Governor Sandoval and Artie Duncan, and he had gotten up from
25 the table and gone to sit down at his desk.

1 And then at that point, I think Randy got up, and
2 then -- and I thought someone came to the door, because then
3 he said he wanted to talk to me. And I -- I just wasn't -- I
4 didn't talk with him.

5 BY MS. DAVIES:

6 Q. Okay.

7 A. And then we left.

8 Q. Okay. So, when you left, did you then go back to
9 back to the legal meeting with the other trustees and Randy
10 Drake?

11 A. I did. At some point, I went back there.

12 See, this is where I can't recall all of the
13 specifics. Because at one point, I went and sat in the outer
14 office on the couch with John Mayer and Howard Rosenberg.

15 Q. Okay.

16 A. And that is the point where I have kind of gotten
17 to the point I don't recall anything. I was very upset by the
18 whole process.

19 Q. Okay. Were you -- can you tell me about the
20 decision that was made after the officers went and spoke with
21 Pedro and informed him of this allegation. What happened from
22 there? Can you tell me -- because ultimately, there was a
23 decision that was made by the officers to inform Pedro that he
24 was on some sort of --

25 MR. ROBISON: Just ask her what happened --

1 MR. MALLOY: Yeah.

2 MR. ROBISON: -- to get the story, because I
3 think there's some misinformation. It didn't happen that way.

4 MS. DAVIES: Okay. So then -- well, and this is
5 where you say that you don't remember.

6 MS. McLAURY: Well, I don't remember where you're
7 at.

8 MS. DAVIES: Well, you're sitting on the couch,
9 and you and the other officers have just talked to Pedro about
10 these allegations. And -- and he's upset.

11 So at what time -- from there, what happens?

12 MR. ROBISON: There you go.

13 MS. McLAURY: Then I sat and told Howard, John --
14 actually, at that point, I was crying. People were concerned
15 that -- the other two officers who had finally come out of his
16 office were concerned that he was texting people and that he
17 was going to tell everybody something, that we were just
18 worried about that. That would cause a big upset.

19 And that was at that point where I think was
20 where they said, well, he better vacate the building. And so
21 that was the -- that was -- that was the conversation between
22 the three officers, and we thought, well, it probably would be
23 best.

24 BY MS. DAVIES:

25 Q. Okay. What exactly was said to Pedro to inform

1 him -- to tell him to leave the building? What exactly did
2 the officers tell him?

3 A. I did not recall any of that --

4 Q. Okay.

5 A. -- at all. Because at that point, I was, I
6 believe, sitting on the couch. And Lisa and Barbara, I think.
7 But I don't recall all of that.

8 Q. Okay. Were you part of that meeting with the
9 other officers or were you separate from that at that time?

10 A. We talked in the outer room regarding having him
11 go home.

12 MR. MALLOY: Who is "we," Barbara?

13 MS. McLAURY: Oh, sorry. Barbara Clark,
14 Ms. Ruggerio and I talked about that.

15 BY MS. DAVIES:

16 Q. Okay.

17 A. And then at that point, I was back down --
18 sitting down. And so I did not recall anything beyond that.

19 Q. Okay. After the discussion that Pedro should
20 leave the building, what happened?

21 A. Hum. Well, I sat there on the couch, and as I
22 recall, people said: Okay, we need to go back out of here.
23 And so then we went back into the board room, as I recall.

24 Q. And then when you went back into the board room,
25 what happened?

1 A. Nothing. We just sat in there.

2 Q. Did any sort of board meeting continue --

3 A. No. No.

4 Q. -- to take place?

5 A. No. Hum-um.

6 Q. Okay. So you guys just left.

7 Were you in Pedro's office at that time just

8 prior to that?

9 A. No, I was in Pedro's office, and then I went into

10 the -- you know, the outer office.

11 Q. Okay.

12 A. And then I went into the board room.

13 Q. Okay. So then once you -- once you were back in

14 the board room, was it you and the other officers and the

15 other three trustees --

16 A. Well, no.

17 Q. -- in question?

18 A. I think that -- well, I can't recall everyone

19 that was in the board room, but I know that it was -- John

20 Mayer and I were there for sure, and that's about all I can

21 comment. I don't recall all of that.

22 Q. Okay.

23 A. I was highly emotional at that point. I just

24 was.

25 Q. And do you remember, then, what happened in the

1 board room? I mean, did everybody just kind of sit there and
2 then everybody went home or did we --

3 A. Well --

4 Q. Did you and the other officers have some sort of
5 a public meeting?

6 A. Huh-uh. No, we didn't.

7 Q. Okay.

8 A. At that point, I believe that Irene Payne, who is
9 our communications officer, she was -- I don't recall if she
10 was right there, but someone said we need to let -- let the
11 public know and the families know. So that was -- and I can't
12 remember if that was right there or in the ante office.

13 Q. Okay. Were you present when information was
14 provided to Deputy -- Deputy Superintendent Tracy Davis? Were
15 you present with President Clark during any discussion?

16 A. No.

17 Q. Okay.

18 A. I was not.

19 Q. Were you present during any discussion with
20 President Clark and Chief of Staff Kristin McNeel?

21 A. No, I was not.

22 Q. Okay. Were you present during a portion of the
23 board meeting where information was relayed to -- I believe
24 it's the leadership team to inform them of the events that had
25 just taken place?

1 A. Yes, I was there.

2 Q. Okay.

3 A. I stood with the president and I think it was
4 Lisa Ruggerio and Dave Aiazzi. I'm not positive, but I think
5 so.

6 Q. Okay. And can you tell me what was said during
7 that meeting or during that discussion.

8 A. There was no discussion. We just notified the
9 leadership team that Pedro had -- was -- had basically been
10 relieved of his duties at that point.

11 Q. Okay.

12 A. And that was pretty much all that was said there.
13 Barbara Clark was speaking. I don't recall everything she
14 said.

15 Q. Okay. And then from there, did the officers
16 participate in a public comment to the media regarding the
17 events shortly after the events that took place?

18 A. What do you mean, "participate"?

19 Q. I guess that's a bad word. I guess did -- did
20 the officers -- did you and -- and any other officers stand
21 with President Clark as she gave a statement to the media?

22 A. Yes, I stood there, and I'm not sure if anyone
23 else did.

24 Q. Okay. Do you remember what President Clark said
25 during that statement?

1 A. No, I don't, other than to reiterate that
2 statement I just said, which now (inaudible), and I think that
3 was about it.

4 Q. That Pedro Martinez had been relieved of his
5 duties?

6 A. Yes.

7 Q. Okay. During any of the discussions that you
8 were involved with with Pedro, do you remember if President
9 Clark ever told Pedro Martinez that he was -- that his
10 contract was being terminated?

11 A. No, I don't.

12 Q. Do you ever remember if President Clark said that
13 he was being fired?

14 A. No.

15 Q. Okay. Do you remember if President Clark ever
16 said that he was being placed on administrative leave with
17 pay?

18 A. No, I don't believe she said that.

19 Q. Okay. So your recollection is somewhat that he
20 had been relieved of his duties; is that correct?

21 A. Yes.

22 Q. Okay. According to this statement that President
23 Clark put out on July 31st regarding the -- "last week's
24 events were void," she states in here that "Superintendent
25 Martinez was never terminated or fired as superintendent of

1 the Washoe County School District," and there's -- there's
2 some that -- that comes before and after that part of her
3 statement.

4 My question to you is that if you -- if you as an
5 officer were in agreement with this statement and
6 Superintendent Martinez was never fired or terminated, why was
7 there discussion about a possible interim superintendent or a
8 permanent replacement for Pedro Martinez?

9 A. I don't know when that discussion took place. I
10 don't recall that.

11 Q. Okay. It was -- I can tell you it was during
12 the -- the notification to the public that President Clark
13 made that you were standing next to. You weren't speaking,
14 but you were part of that news conference, if you want to call
15 it. And there was a question from the public about an interim
16 superintendent, and President Clark had made that comment.

17 So, I'm just curious: If Pedro Martinez hadn't
18 been fired or terminated, why would the Board have been
19 looking at an interim superintendent?

20 MR. ROBISON: When you say "the Board," that's
21 quite a large statement.

22 MS. DAVIES: Correct.

23 MR. ROBISON: And the question was whether or not
24 she knows anyway.

25 MS. DAVIES: Correct. But Barbara did say that

1 she was in agreement with this statement.

2 MR. ROBISON: Which that says nothing about an
3 interim or --

4 MS. DAVIES: No, it doesn't, but that's what I'm
5 asking is --

6 MR. ROBISON: Well, I'll tell you that came as a
7 surprise to everybody. But if you ask the question, you'll
8 find out that the interim president [sic] has nothing to do
9 with what this person involved with.

10 MS. DAVIES: No, and that's what I'm asking. I'm
11 asking why as a -- just as an individual, I guess, would --
12 would the entire Board be looking for an interim deputy -- or
13 an interim superintendent.

14 MR. ROBISON: That's not fair. The entire Board
15 wasn't. Barbara Clark said that. These people weren't
16 involved in that.

17 Ask her whether or not she knows anything about
18 that.

19 BY MS. DAVIES:

20 Q. Do you know anything about searching for an
21 interim --

22 A. No.

23 Q. -- superintendent or a replacement?

24 A. No, I do not.

25 Q. Did President Clark ever mention to you her

1 interest in finding an interim or permanent replacement for
2 Superintendent Martinez?

3 A. I don't recall that conversation.

4 Q. At any time?

5 A. That there was --

6 Q. Okay. Are you aware of the anonymous complaint
7 that arrived?

8 A. Yes, I am.

9 Q. Okay. Can you tell me about how you became aware
10 of that complaint?

11 A. I -- since I'm the vice president, I had gotten a
12 text from President Clark to come to her office over at the
13 auto museum. And when I got there, it was around 11:30 -- I
14 think it was the day before. I've lost -- anyway, when I got
15 there, she was there along with Randy and Paula Ward, who is
16 our internal auditor and Randy's auditor.

17 Q. Okay.

18 A. And they said then at that time that there had
19 been an allegation, that someone had called Paula Ward and
20 told her that there -- that Pedro Martinez was not a CPA and
21 that he -- it was advertised on our website, something of that
22 nature.

23 Q. Okay. So from that point, when you became aware
24 of that, what did you do?

25 A. I couldn't believe it, and I could do nothing

1 once the information had been presented to me. And so I went
2 home. That night, I texted some questions to Randy Drake on
3 my iPhone, and that was it. And I said nothing to anyone
4 about any of that. It's not my place to do that.

5 Q. Okay. Did you participate in uncovering any
6 information regarding whether you were proving or disproving
7 these allegations to be true or false?

8 A. I sent a -- I gave Randy and Paula a website that
9 I found on the morning of the 22nd when I was supposed to be
10 paying attention at the ethics hearing, and I asked them to
11 please look at that.

12 Q. Okay. And what was that website?

13 A. I -- well, I have it, I think, in my car. It --
14 I don't -- I can't remember what it was.

15 Q. Do you remember just vaguely what the website was
16 in reference to?

17 A. It was in reference to the historical perspective
18 of a CPA in Illinois.

19 Q. Okay.

20 A. Because it's -- there's some confusion, I think,
21 around that.

22 Q. Okay. Do you know if anything was done after you
23 texted that information?

24 A. I didn't text it to them. I handed them a piece
25 of paper --

1 Q. Okay.

2 A. -- with it on it.

3 Q. And asked them --

4 A. And said, "Take a look at this," because the
5 meeting was going on, and so I didn't want to interrupt the
6 meeting.

7 Q. Okay. And when you say "them" --

8 A. Pardon me. Paula Ward and Randy Drake.

9 Q. Okay. So do you know if anything ever came out
10 of that information that you gave to Paula Ward or Randy
11 Drake?

12 A. No, I don't believe I have anything definitive
13 from them. But I can't recall in the timeline of all of this
14 that was going on.

15 Q. Okay. Are you, as an officer, given a District
16 cell phone for Board purposes or work purposes that you
17 conduct business on?

18 A. We have a District -- I mean, we have a stipend
19 from the District --

20 Q. Okay.

21 A. -- to help defray expenses for our Internet and
22 phones.

23 Q. Okay.

24 A. That's my understanding.

25 Q. Okay. So do you -- do you personally use your

1 own cell phone, your personal cell phone and your personal
2 computer to conduct that -- the Board business?

3 A. Yes.

4 Q. Okay. How often would you say that you use
5 that -- either your cell phone or your e-mail and your
6 computer to conduct business on occasion?

7 A. Well, I do a lot because I'm -- especially on the
8 e-mail --

9 Q. Okay.

10 A. -- either answering from constituents or hearing
11 from constituents. I mean, you're forwarding something to
12 someone to make sure they get the information.

13 Q. Okay. Have you had occasion in the past to
14 communicate with Superintendent Martinez by cell phone or
15 e-mail?

16 A. Yes.

17 Q. Okay.

18 A. Mostly by text.

19 Q. Okay.

20 MS. DAVIES: And I do just want to make a note at
21 this time Kent Robison had just stepped out of the office.

22 MS. McLAURY: Okay.

23 BY MS. DAVIES:

24 Q. Tell me if -- if the actions during the July 22nd
25 meeting regarding Pedro Martinez were void and the officers,

1 if I understand it correctly, then asked Pedro Martinez to
2 come back to work, I believe, on the -- was it the 29th, I
3 believe?

4 A. I don't --

5 Q. Is that correct -- okay. How did the officer --
6 how did the officers come to that decision to have Pedro
7 Martinez return to work?

8 A. Well, that was in a legal gathering, again, with
9 our attorney where all of this was discussed.

10 Q. Okay.

11 MS. DAVIES: And I'll just make note at this
12 break that, Kent, you stepped back into the room.

13 MR. ROBISON: Thank you.

14 BY MS. DAVIES:

15 Q. So this -- this meeting about having Pedro
16 Martinez come back to work and resume his duties, that took
17 place within a legal -- within a meeting with legal counsel;
18 correct?

19 A. Yes.

20 Q. Okay. Was that information ever public?

21 MR. MALLOY: What information?

22 MS. DAVIES: The information that you were having
23 a meeting to discuss the contract of Superintendent Martinez
24 to return back to work.

25 MR. ROBISON: He would -- he would --

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MR. MALLOY: (Inaudible).

MR. ROBISON: There was no meeting for that.

MS. DAVIES: Okay.

BY MS. DAVIES:

Q. So then did you --

MR. ROBISON: There was a gathering about the lawsuit that Martinez had filed.

BY MS. DAVIES:

Q. So then my question to you -- I'll rephrase it.

How did you as an officer make the decision to have Pedro Martinez return to work?

MR. ROBISON: Barbara Clark made that decision.

As I told you, she wasn't involved, and that's why it's her statement.

BY MS. DAVIES:

Q. So the decision to have Pedro Martinez return to work, you were not party of -- you were not privy to or were you?

MR. MALLOY: There's an assumption in your question that there was a decision at all.

MR. ROBISON: Legal advice was given. Legal advice was accepted and legal advice was implemented by Barbara Clark's statement.

BY MS. DAVIES:

Q. Okay. So prior to Barbara Clark's statement,

1 were you aware that Pedro Martinez was being asked to come
2 back to work?

3 A. Well, I was part of the legal gathering, but
4 Barbara Clark made that decision.

5 Q. Okay. Did you have any input on that decision?

6 A. I don't think any input was asked for, but I
7 can't recall that specific information at that meeting, that
8 specific issue.

9 Q. Okay. During the meeting that we're -- that
10 we're talking about in reference to the decision that
11 President Clark made to ask Superintendent Martinez to come
12 back to work, who else was part of that meeting? Were there
13 other board members or officers present?

14 A. Yes, there were.

15 Q. And who was present?

16 A. All the board members were present except for
17 Estela Gutierrez.

18 Q. Okay. And then obviously, the three officers:
19 yourself, President Clark and Lisa Ruggerio; correct?

20 A. Um-hum.

21 Q. Okay. Do you have any idea -- actually, I'm
22 going to take that back.

23 Are you aware of the court filing on July 29th
24 outlining possible past performance deficiencies of Pedro
25 Martinez?

1 A. State that again.

2 Q. Are you aware of a court filing on July 29th
3 outlining supposed past performance deficiencies of Pedro
4 Martinez?

5 A. I am aware of that document, yes.

6 Q. Okay. And how did -- how did you become aware of
7 that document?

8 A. I think I read it in the paper. But other than
9 that, I can't recall.

10 Q. Okay. Were you part of any sort of meeting that
11 discussed the information within that court filing?

12 A. Oh, gosh, I don't recall discussing any
13 deficiencies.

14 Q. Okay. Do you remember giving or being part of a
15 public hearing for Pedro Martinez's performance evaluation
16 less than two weeks prior to the July 22nd meeting?

17 A. That meeting, I believe, was held on June
18 the 10th, his evaluation meeting.

19 Q. Okay. Was it June the 10th or July 10th?

20 A. June 10th. It's supposed to be done before the
21 30th of June --

22 Q. Okay. My mistake.

23 A. -- by state statute.

24 Q. My mistake. So it was approximately six weeks
25 prior.

1 A. Yes.

2 Q. Okay. Were you part of that public meeting?

3 A. Yes.

4 Q. Okay. Do you know how, in a public meeting
5 regarding Pedro Martinez's performance evaluation, how it is
6 rated or he is rated with a proficient evaluation and then
7 approximately six, possibly seven weeks later, now there are
8 supposed past deficiencies with his performance?

9 MR. MALLOY: How does this relate at all to the
10 open meeting law issue?

11 MR. ROBISON: (Inaudible.)

12 MR. MALLOY: Sorry.

13 MR. ROBISON: First of all, no one said there are
14 past deficiencies.

15 MS. DAVIES: Okay. So even if we say
16 deficiencies, and we won't label it as past or --

17 MR. ROBISON: I think they are labeled in the
18 moving papers as current deficiencies.

19 BY MS. DAVIES:

20 Q. So then I'll go back and say, do you know how,
21 with -- from a period of six weeks that he has a proficient
22 evaluation -- seven weeks -- to the time where -- when the
23 officers meet to discuss an allegation of his CPA license or
24 certificate --

25 MR. MALLOY: I don't understand how this relates

1 to an open meeting law question. Can you fill us in?

2 MS. DAVIES: I mean, it just gives a little bit
3 of back history, and what I'm trying to determine is --

4 MR. ROBISON: Here's your suggestion. Your
5 suggestion is that the Board met and they discussed his
6 performance at a meeting that was not public. I think that's
7 where you're going.

8 MS. DAVIES: Correct.

9 MR. ROBISON: Because that's what Mr. Peterson
10 accused me of doing.

11 MS. DAVIES: No, I'm not saying that -- what I'm
12 trying -- what I'm trying to get to and the information --

13 MR. ROBISON: Their board meeting that evaluated
14 him and his performance that was not public. That's the
15 question.

16 MS. DAVIES: What I'm trying to find out is --

17 MR. ROBISON: -- (inaudible) --

18 MS. DAVIES: No, what I'm trying to find out is
19 from the time that he had his proficient evaluation seven
20 weeks prior to -- or six weeks prior to July 22nd and then a
21 week later, on July 29th, documents are filed that he has
22 deficiencies.

23 MR. ROBISON: Had he filled the castral (ph.)
24 positions by then?

25 MS. DAVIES: That I'm not -- that I'm not --

1 MR. ROBISON: When he moved the principal around,
2 did he coordinate that as required to by the contract with the
3 Board of Trustees? The answer is no and no.

4 MS. DAVIES: And we're not here to discuss --

5 MR. ROBISON: -- what Mr. Peterson accused us of
6 doing is having a meeting behind closed doors that considered
7 his performance. That's the complaint that Mr. Peterson filed
8 with your office. And those are untrue allegations.

9 MS. DAVIES: Okay. And I'm only here -- I'm not
10 here to -- I'm only here to figure out what happened in
11 that --

12 MR. ROBISON: Yeah.

13 MS. DAVIES: -- legal meeting and what has
14 transpired since.

15 MR. ROBISON: Which --

16 MS. DAVIES: On July 22nd.

17 MR. ROBISON: Which legal meeting?

18 MS. DAVIES: The legal meeting between the --

19 MR. ROBISON: You mean July --

20 MS. DAVIES: -- officers.

21 MR. ROBISON: -- 22nd?

22 MS. DAVIES: Yes. That's what I just spoke of.

23 MR. ROBISON: July 22nd, there was a meeting, and
24 on July 29th, there was a lawsuit and a response.
25 Mr. Peterson has filed a document in your office saying that

1 the deficiencies that are raised in my motion must have been
2 considered by the trustees at a closed meeting that was not
3 open to the public, and that's false. That's the complaint
4 that you're here to investigate.

5 MS. DAVIES: No, I'm actually here to investigate
6 the initial complaint on July 22nd that President Clark issued
7 a statement on and your office also read a letter on saying
8 that --

9 MR. ROBISON: But you're asking about the
10 deficiencies.

11 MS. DAVIES: Right, right. And that's a
12 follow-up because now, what I'm trying to find out is the
13 decision was made, as you informed me, the decision was
14 made -- and I shouldn't say that you informed me.

15 The decision was made from the statement by
16 Barbara Clark for Superintendent Martinez to return to work.

17 MR. ROBISON: Correct.

18 MS. DAVIES: So what I'm trying to find out is
19 from the July 22nd meeting --

20 MR. ROBISON: Correct.

21 MS. DAVIES: -- to present, how did this
22 information come to be.

23 MR. ROBISON: What information? The
24 deficiencies?

25 MS. DAVIES: The information that President -- or

1 that Superintendent Martinez comes back to work and these
2 deficiencies. So what I'm trying to find out is did -- did
3 Barbara have any part of any discussion regarding Pedro
4 Martinez coming back to work or -- or any deficiencies that
5 Pedro Martinez may have.

6 MR. MALLOY: Where you lost me is that I thought
7 your questions were about what happened on June 10th.

8 MS. DAVIES: Well, that was part of -- I mean, if
9 you go from -- I guess maybe it's just me being logical. But
10 if you have a proficient exam or a proficient evaluation in a
11 year --

12 MR. MALLOY: That's not what you're
13 investigating.

14 MS. DAVIES: That's not what I'm investigating,
15 but as we know there's also information that probably goes
16 back further, which I'm trying to find out if there's any
17 relevance to our current investigation.

18 MS. McLAURY: I don't know what you're talking
19 about.

20 BY MS. DAVIES:

21 Q. So now we'll go back to, are you aware of or were
22 you part of any discussion that was held or were you part of
23 any discussion in which the decision was made to have Pedro
24 Martinez return to work?

25 A. I think I answered that already.

1 Q. Okay. And your answer was?

2 A. I don't remember what my answer was, but I
3 don't -- I don't believe I was a part of that. I think
4 Barbara Clark is the one who made that final.

5 I didn't make any decision. Let me just say
6 that.

7 Q. Okay. Were --

8 A. I was not part of a meeting or a -- any sort of
9 gathering that that -- that ultimately, that decision was
10 made.

11 Q. I'm not asking if you made the decision. I'm
12 asking if you were part of --

13 A. Okay.

14 Q. -- as we're sitting here right now, were you part
15 of a meeting where that discussion and ultimately, that
16 decision was made?

17 A. Yes.

18 Q. Okay. And were you part of any discussion
19 recently about this July 29th court filing or did you, as you
20 say, learn about it in the news?

21 A. I don't believe that I was part of any discussion
22 about that, whatever it is, the court file. I don't recall,
23 then, I guess I should say.

24 Q. Okay.

25 MS. DAVIES: I don't think -- I don't think I

1 have anything else.

2 Do you have any questions for me?

3 MS. McLAURY: No.

4 MS. DAVIES: No? Okay.

5 Is there anything else that either of you want to
6 address before I turn the tape recording off?

7 MR. ROBISON: No.

8 MS. DAVIES: Okay. I would ask that you don't
9 discuss our investigation -- any of the information that we've
10 talked about in the interview -- questions, responses -- until
11 our investigation is complete.

12 MS. McLAURY: I won't do any of that.

13 MS. DAVIES: I appreciate that.

14 At this time, I'll go ahead and end our
15 interview.

16 The time is 2:25, and it is -- 2:25 p.m., and it
17 is August 4th, 2014.

18 (Proceedings concluded.)

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STATE OF NEVADA,)
) ss.
CARSON CITY.)

I, Michel Loomis, do hereby certify:

That on August 4, 2014, an interview was held in the within-entitled matter in the office of Kent Robison.

That said interview was recorded on JAVS, and said JAVS CD-ROM was delivered to me for transcription;

That the foregoing transcript, consisting of pages 1 through 38, is a full, true and correct transcript of said recorded JAVS CD-ROM performed to the best of my ability.

Dated at Carson City, Nevada, this 17th day of August, 2014.


Michel Loomis, Transcriber

Exhibit 5

Exhibit 5

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
RENO, NEVADA

TRANSCRIPT OF ELECTRONICALLY-RECORDED INTERVIEW
HOWARD ROSENBERG
AUGUST 5, 2014
RENO, NEVADA

Transcribed and
proofread by:

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1 RENO, NEVADA, TUESDAY, AUGUST 5, 2014, 2:00 P.M.

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3
4 MS. DAVIES: Okay. Today's date is August 5th,
5 2014. The time is approximately 2:00 p.m., and this is an
6 interview taking place at the law offices of Kent Robison at
7 71 Washington Street in Reno, Nevada.

8 Present in this interview is myself, Jennifer
9 Davies, Deputy Chief Investigator, along with Mike Malloy and
10 Trustee Howard Rosenberg.

11 And, Howard, you are aware that I am tape
12 recording this?

13 MR. ROSENBERG: Yes.

14 MS. DAVIES: And I have your permission to do so?

15 MR. ROSENBERG: Yes.

16 BY MS. DAVIES:

17 Q. Okay. So what I wanted to talk to you a little
18 bit about today are the events that took place on July 22nd.

19 So what we'll do is I'll kind of let you go
20 through the events, and then we'll go back and kind of break
21 them down a little bit for some specifics.

22 A. Okay.

23 Q. So if you want to just go ahead and start.

24 A. It was a workshop day. We began at, as I
25 remember, 9:00. First was ethics training from the -- oh,

1 good Lord. Karla -- I can't remember her last name. She's
2 the director of the ethics commission.

3 MR. MALLOY: It doesn't matter.

4 MS. DAVIES: Yeah.

5 MR. ROSENBERG: Okay. Yeah. In any case, it was
6 about hour and a half, then we took a break. Then we had the
7 workshop with the BoardDocs people. They are a group that
8 puts your minutes online and, if you know how, can you access
9 minutes from any time in the past, and they were trying to
10 show us how to use this, which was a complete waste of time
11 for me. I (inaudible) like I remember yesterday.

12 Then we took another break, and -- a few minutes,
13 as I remember, Barbara came back into the room and said that
14 there was going to be a closed session with our attorney and
15 asked everybody else to leave.

16 If I remember, we were all sitting where we would
17 normally sit. So it was a long thingamajig. I was closest to
18 the door over here. Pedro was in the room, as I remember, and
19 hit us from a bolt out of the blue about someone had called
20 and said that Pedro was misrepresenting himself as a CPA and
21 that there was a real problem, and we needed to handle this.

22 Pedro said there was a misunderstanding and that
23 this was not, indeed, the case at all. And as I remember --
24 it's been a little bit. As I remember, he left to go out and
25 come back and bring us a copy of his -- what do you call that,

1 his diploma from the University of Illinois --

2 Q. Okay.

3 A. -- saying that he was indeed a CPA. There
4 were -- he made copies for each of us, and then I'm not
5 exactly sure when or how, but he left the room.

6 Randy explained to us at the very beginning while
7 Pedro was still there that this was a meeting between the
8 trustees and their attorney. We could discuss. We could ask
9 for information, but under no circumstances was any action to
10 be taken.

11 And I asked him point blank. I said, "Are we
12 violating the open meeting law?" He said, "Absolutely not.
13 You don't have to worry about that. If, indeed, you're even
14 coming close, I'll stop you before you get there."

15 Q. Okay.

16 A. So I was relatively comfortable.

17 When she said that it was a closed meeting, I
18 thought that it was going to be to talk about something else.
19 I had no idea that any of this had transpired.

20 Q. And when you're talking about "this," you're
21 talking this CPA issue?

22 A. The CPA issue. Yes.

23 Q. Okay.

24 A. That was the bolt out of the blue.

25 Q. Was it President Clark who -- who said to the --

1 the trustees and the other officers that that was the issue
2 that needed to be addressed or discussed?

3 A. It was either her or Mr. Drake, and I'm not sure
4 which. I think it was Barbara.

5 Q. Okay.

6 A. I think it was Barbara.

7 And it was very straightforward. There was a
8 complaint that had come in from someone. We needed to get to
9 the bottom of it, and that's what we were doing.

10 All right. So Pedro left the room, and Barbara
11 said that we really needed to talk about this. Do we need to
12 make this a public meeting? She felt that, indeed, we did.

13 They were mostly shocked more than anything else.
14 I didn't know what to ask. It went -- Randy was asked some
15 questions about legalities. This was of sufficient kind of
16 importance that it needed to be an open meeting in which, you
17 know, we were legitimately able to discuss this and possibly
18 take action.

19 At that particular point, we couldn't. It went
20 back and forth for a bit. There were legal questions as to
21 whether or not the diploma was enough to do what Mr. Martinez
22 obviously thought that it did. There were others that said,
23 "But that's in Illinois. That's not in the State of Nevada,"
24 you know, and back and forth.

25 So Barbara said, "We need to go talk with Pedro.

1 This needs to be an open meeting. I think we need to talk
2 with him about that."

3 She got up, as I remember, Barbara McLaury said,
4 "Well, you're not going to go down there alone. I'll go with
5 you." And Lisa Ruggerio, who's the clerk, also said, "I'll go
6 with you too." And Randy went with them, and they went to
7 talk to Mr. Martinez.

8 MR. MALLOY: Is that where you want to pause,
9 then, and take a --

10 MS. DAVIES: Yeah, we can do that. We can kind
11 of -- and that will break it up. It might be a little bit
12 easier.

13 MR. MALLOY: So we're at the end of the
14 meeting -- the legal gathering.

15 MR. ROSENBERG: Yes.

16 MR. MALLOY: For the time being.

17 MR. ROSENBERG: Yeah. Yeah.

18 MR. MALLOY: Okay.

19 BY MS. DAVIES:

20 Q. So President Clark says initially, "We need to
21 have a closed session" and asks all other staff to leave?

22 A. Yes.

23 Q. And then mentions that there had been this
24 complaint.

25 And I just want to make sure, prior to that

1 moment where she informs the trustees and the officers that
2 the complaint was regarding a CPA issue --

3 A. Um-hum.

4 Q. -- had you been aware of this anonymous complaint
5 prior to that day?

6 A. No.

7 Q. Okay.

8 A. Absolutely not.

9 Q. Had you been aware of any sort of investigation
10 internally that had been conducted by anybody on the Board to
11 kind of vet out whether to prove or disprove the --

12 A. No.

13 Q. Okay.

14 A. No.

15 Q. So Pedro shows the Board --

16 A. Right.

17 Q. -- his certificates.

18 A. Right.

19 Q. How was his demeanor at that point?

20 A. He was agitated.

21 Q. Okay.

22 A. Well, I mean, that's understandable. Come on.

23 Q. Sure.

24 A. But everything was more or less okay. I mean, he
25 just handed everybody the thing. I read it, and I'm not a

1 lawyer. I don't understand these things. I never have. It
2 doesn't say certificate of CPA, you know. It's a little bit
3 strange to look at it. And I was, quite frankly, in shock.

4 Q. And you say "in shock." In shock of what?

5 A. The whole thing. This came out of the blue. I
6 was -- I had been -- I had been worried about the way
7 situations are handled, but I don't like to see anybody hurt
8 under any circumstances. There's a humane way of handling
9 everything. So, now, calm it down and we'll get to this. But
10 I knew nothing about it before. I wasn't prepared for it, and
11 it just hit me.

12 Q. Okay. So then at this point, President Clark,
13 Vice President McLaury --

14 A. McLaury.

15 Q. -- and then Clerk Ruggerio leave with Counsel
16 Drake --

17 A. Yes.

18 Q. -- and go to Superintendent Martinez's office?

19 A. Yes.

20 Q. You were not present --

21 A. No.

22 Q. -- for any of that?

23 A. No.

24 Q. Okay. You stayed back in the board room with --

25 A. Stayed in the board room, very definitely.

1 Q. With the other two trustees?
2 A. There was Mr. Mayer and Mr. Aiazzi.
3 Q. Okay.
4 A. The three of us.
5 Q. Okay. At what point, then, do you the officers
6 and counsel come back to the Board?
7 A. I can't tell you how much time. It was a while.
8 Q. Okay.
9 A. And then they came back in.
10 Q. And what was discussed when they came back in?
11 A. All this stuff is tough on me.
12 Q. That's okay.
13 A. Naturally, Mr. Martinez was very upset. He
14 wasn't -- he didn't understand what was going on. "If you
15 want me to go, you can buy me out of my contract," you know,
16 that kind of thing. And I'm saying to myself, "No, nobody
17 wants to do that. Relax."
18 Q. Now, let me ask you -- let me stop you for a
19 second.
20 Did Superintendent Martinez come back --
21 A. No.
22 Q. -- into the board room to say or to share that,
23 or was that information that was shared with you --
24 A. When -- when the officers and Mr. Drake were --
25 Q. Okay. Who shared that information that that was

1 what Pedro wanted?

2 A. I don't --

3 Q. Do you remember?

4 A. I don't remember.

5 Q. Okay. But it was shared to the trustees and the
6 officers that it was Pedro's intention to get -- buy --

7 A. Right.

8 Q. -- out of his contract?

9 A. Right.

10 Q. Okay. So then what happened after -- what took
11 place after that?

12 A. It was -- Mr. Drake went back and forth a number
13 of times. The -- I don't want to say negotiations, but, you
14 know, who's going to do what and how much is it going to cost
15 and all that kind of business went back and forth and back and
16 forth. And most everybody was just like -- so I said, "Can I
17 go and talk with him?" "Absolutely not."

18 Q. Who did you ask?

19 A. Everybody. And Ruggerio practically sat in my
20 lap.

21 Q. Okay.

22 A. The toughest thing in the world to do with me is
23 when I see somebody that's in danger of getting hurt, I want
24 to help. And there are times when you should just keep your
25 big mouth shut. This is not one of my strong suits.

1 But Randy looked at me and he said, "Howard, it
2 would not be a good idea." So I sat down and behaved myself.

3 Q. Okay. During that period of time, there was kind
4 of -- like you said, there was negotiations back and forth
5 between the trustees and the officers and --

6 A. Randy was going back and forth.

7 Q. Okay.

8 A. Okay.

9 Q. Can you describe to me the environment or kind of
10 what was going on in the room and how the trustees and the
11 officers, you know, reached a decision to give back to Randy
12 to take to Pedro or how did that go?

13 MR. MALLOY: You said how they reached the
14 decision.

15 MS. DAVIES: Okay.

16 MR. MALLOY: You need to ask if they reached a
17 decision.

18 MS. DAVIES: Okay.

19 BY MS. DAVIES:

20 Q. How did the discussion take place?

21 A. This is what is so confusing to me. I was aware
22 that I'm not supposed to say: What do you think? So I
23 couldn't. So everybody's trying to read everybody else
24 without actually saying anything.

25 And we're looking at each other. Barbara McLaury

1 is practically in tears. John is sitting there -- I mean,
2 he's -- I'm not going to say catatonic, but he's damn close to
3 it. I'm looking at Dave, and Dave's looking at me, and we
4 don't say another thing.

5 And I can't remember, it might have been me
6 saying, "Randy, go back and see", you know, "This is going way
7 too fast. Calm everything down. We can take care of this."
8 And Randy tried a couple of times. There was -- at one point,
9 somebody was trying to do the numbers.

10 Q. Do you remember who that was?

11 A. No, I don't.

12 Q. Okay.

13 A. It wasn't me because I can't add two and two. I
14 can't remember who it was, but I know that I said to myself
15 when they were -- that it was close to \$350,000. That's a
16 great deal of money. And it's taxpayers' money. Why don't we
17 just, you know, cool it down.

18 I wish I could run other things in sequence. I
19 never can. Now, if it's a movie, I can do it.

20 Q. And what I'm trying to kind of figure out is
21 how -- and you had said that there was -- everybody was trying
22 to kind of read each other without saying anything.

23 A. Right. Well, I mean, we were talking to each
24 other.

25 Q. Sure, sure.

1 A. . But we were also mindful of the open meeting law.

2 Q. So what I'm trying to figure out is how the
3 information goes back and forth and -- and how, if a decision
4 is made, to offer --

5 A. No.

6 Q. -- Pedro --

7 A. What was happening -- what was happening was
8 Randy would go to Pedro, Pedro would say whatever he said to
9 Randy. Randy would come back and say that, you know, and tell
10 everybody. One or two people -- never -- and I say this in
11 all sincerity and honesty. No one ever said, "What shall we
12 do?"

13 Q. Okay.

14 A. Ever. The thing was Randy would come back with
15 figures, and everybody would just be, you know, that kind of
16 thing.

17 MR. MALLOY: That doesn't show on the tape.

18 MR. ROSENBERG: Sort of shaking their heads.

19 Nobody knew what to say.

20 BY MS. DAVIES:

21 Q. Okay.

22 A. Honestly. I mean, forget the open meeting law
23 and everything else. This is a human being that we know. I
24 mean, there are times I'm so mad at him, I would like to kill
25 him, and I'm sure he feels the same way about me. But he's a

1 human being. Come on. Calm it down. We'll get through this.

2 Most of us are just so, I think, shocked at the
3 whole situation.

4 Q. Okay.

5 A. I mean, where did this come from? Out of
6 nowhere.

7 Q. So did you at any time share with Randy Drake
8 that maybe we should offer him a certain amount?

9 A. No, no.

10 Q. Okay. Do you remember any other trustee or --

11 A. Nope.

12 Q. -- saying, "We should offer him --

13 A. Nope.

14 Q. -- "this"?

15 A. Nope. Nope.

16 Q. Okay.

17 A. Because Randy had told us, as I remember, "This
18 is all stipulated in his contract. If you're going to do this
19 kind of a situation, it's" -- "it's stipulated in his
20 contract." Okay. Fine. It's stipulated in his contract. I
21 don't know what the contract says.

22 MR. MALLOY: Say that a little louder, please.

23 MR. ROSENBERG: I don't know what the contract
24 says. I'm a trustee. I should know. But I didn't. I have
25 read it now four times. I don't understand it. I'm sorry.

1 BY MS. DAVIES:

2 Q. That's okay.

3 And the contract is, you know, it's not of issue
4 here.

5 A. Okay.

6 Q. What I was trying to figure out is, you know, how
7 you go from Pedro saying, "I want this" and Randy comes back
8 and says, "Pedro wants this," and then he goes back to --
9 Randy goes back to Pedro with something different. I'm trying
10 to figure out how Randy gets the information to go back to
11 Pedro.

12 A. I honest to goodness couldn't tell you exactly.

13 Q. Okay.

14 A. I don't remember.

15 Q. And if you don't remember, you don't know, then I
16 can't -- I can't beat it out of you.

17 A. Well, you can try.

18 Q. And so --

19 MR. MALLOY: Just don't worry about it.

20 MR. ROSENBERG: Jennifer, I'm 80 years old. I
21 can't remember.

22 MS. DAVIES: He says he's 80 years old.

23 MR. ROSENBERG: You have to go blab, thanks a
24 lot. I have a problem.

25

1 BY MS. DAVIES:

2 Q. No, I understand.

3 So at what point -- and I'm -- not necessarily
4 time wise, but how does that portion of the gathering or that
5 event end?

6 A. As I remember, they tried -- some people went out
7 into the corridor, and Pedro was leaving. Okay. Fine. Where
8 are you going? But nobody knew what to say. But he was -- he
9 was leaving. All right. Fine. He left.

10 So we decided that we needed to move into
11 someplace a little bit more secure, especially where sound is
12 concerned, because that room leads right directly onto the
13 main entrance of the building.

14 Q. Okay.

15 A. And I -- I think it was Barbara who said, "I
16 think we need to get down to Pedro's office."

17 Q. Okay.

18 A. "It's more secure, and we'll be able to talk
19 more." I was still sitting there. I can remember this. I
20 was still sitting there. Everybody was out the door, and
21 David looked at me and said, "Are you coming?" I mean, I was
22 like -- I got up, naturally, and went after them.

23 We were sitting around the table, trying to
24 decide: Do we -- you know, do we make a statement? How do we
25 tell the staff what's happening? You know, that kind of

1 thing. And that was the nuts and bolts kind of stuff that
2 they were discussing.

3 Q. And you were -- the trustees and the officers
4 were discussing this in --

5 A. In Pedro's office. Yes.

6 Q. And he was -- he had left the building?

7 A. Yes.

8 Q. Okay.

9 A. Yeah.

10 Q. So what happens then after that discussion? You
11 guys discuss do you need to make a statement.

12 A. Yes.

13 Q. Do we -- who do we need to tell?

14 A. The first thing was to get the Communications
15 people in --

16 Q. Okay.

17 A. -- as quickly as possible.

18 And then Tracy Davis, who's the academic side of
19 the house, and Kristin McNeel, who's the operations side of
20 the house, they had to know what had happened.

21 Q. Okay.

22 A. What happens if he doesn't come back and that
23 kind of business.

24 That never bothered me. That's why you have the
25 line of succession that you have. You have the

1 superintendent, the deputy superintendent and so on.

2 Q. Did you believe that he was not going to come
3 back?

4 A. No, absolutely not. But I'm a teacher. I've
5 been a teacher for 54 years. I know that no one is
6 responsible for the entire operation. So, in my mind, calm
7 down a bit. It will be taken care of. There are people here
8 who know what they're doing, and they'll do their jobs. Let's
9 get this straightened away first, and framing what we were
10 going to say was very important.

11 Q. Okay. So who -- who was present -- actually, I
12 take that back.

13 Were you present when President Clark told Deputy
14 Superintendent Tracy Davis about the events that had just
15 taken place?

16 A. I don't remember being there. I don't.

17 Q. Okay. Were you present during the time when
18 President Clark told Chief of Staff Kristin McNeel about the
19 events that took place?

20 A. I don't -- I don't remember being there.

21 As I remember, I was outside of Mr. Martinez's
22 office. There is an old-fashioned desk and chair that you and
23 I used to go to school in back in the year 2, and I was
24 sitting there. Just -- people have to tell me, "Howard, come
25 in here." I mean, I was -- I'm still --

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Q. Okay.

A. This doesn't happen. This does not happen. It's not good for the kids. It's not good for any of us.

Q. Okay.

A. I'm afraid I should know better. I'm older.

Q. So then were you in that annex area when President Clark was talking to Tracy Davis and Kristin McNeel?

A. I'm not sure.

Q. Okay.

A. I was in that area, so yes, she might have been.

Q. Okay.

A. But I remember coming in and opening the refrigerator, getting a Diet Pepsi and not being able to open it.

MR. MALLOY: You have your answer. She doesn't need to --

MS. DAVIES: Right. Right. Absolutely.

MR. ROSENBERG: I don't know what the hell happened.

BY MS. DAVIES:

Q. Were you ever present during a conversation with President Clark and Superintendent Martinez regarding what -- what the outcome or possible events in the future were going to be --

A. No.

1 Q. -- with --
2 A. No.
3 Q. Okay.
4 A. They wouldn't let me.
5 Q. With his employment?
6 A. Right. No. They wouldn't let me.
7 Q. Okay.
8 A. I'm not kidding you. Lisa was practically
9 sitting on me.
10 Q. Okay.
11 A. Which was not unpleasant.
12 That's a little over (inaudible).
13 MR. MALLOY: (Inaudible) saying, Howard.
14 MR. ROSENBERG: I'm not older (inaudible).
15 MS. DAVIES: It's on two tapes now.
16 MR. ROSENBERG: Oh, good, good. We'll have a
17 little blackmail going.
18 MR. MALLOY: We digressed.
19 MS. DAVIES: We did.
20 MR. MALLOY: That's all right.
21 BY MS. DAVIES:
22 Q. So you had mentioned earlier that, during the
23 meeting when you guys were in the board -- when the trustees
24 and the officers were in the board room, that Randy Drake had
25 given legal advice.

1 A. Um-hum.

2 Q. And I don't want to know what it is.

3 A. Okay.

4 Q. It's just a "yes" or "no" question.

5 A. Yes.

6 Q. At some point either before -- during these
7 events, did Randy Drake give you as a trustee or the trustees
8 and the officers legal advice?

9 A. He told us --

10 MR. MALLOY: Just a "yes" or "no" question.

11 MR. ROSENBERG: Yes.

12 BY MS. DAVIES:

13 Q. Okay. As to what you could or couldn't do?

14 A. Yes.

15 Q. Okay. So at what point -- kind of try and wrap
16 up the day. At what point did all of this kind of end?

17 A. I remember being in Pedro's office. Eileen was
18 here. Michelle was there, and what we were trying to do is
19 craft an announcement that could be made that would do what we
20 needed to do, but keep it as calm and comfortable as is
21 humanly possible.

22 Q. Okay.

23 A. And it was wordsmithing the announcement because
24 we knew, naturally, that the newspapers and the television
25 people would want a statement.

1 And I know personally that I need to be very
2 careful what I say to newspapers and to television people,
3 because I've gotten myself into trouble up to my elbows. So I
4 simply look at them and say, "No comment," and they don't
5 believe me because Rosenberg always has a comment.

6 So all I was interested is, what do we do? Then
7 the decision -- there was a decision made that we would all
8 stand behind Barbara while she was making this.

9 Q. And what you're referring to is the public
10 statement --

11 A. Right.

12 Q. -- to the press?

13 A. Yes. Yes.

14 Q. Okay. Were you present during the statement that
15 President Clark made to the leadership team back -- I believe
16 it was back in the board room?

17 MR. MALLOY: So the question is just whether he
18 was there?

19 MS. DAVIES: Correct.

20 MR. ROSENBERG: Yes, I think I was.

21 MS. DAVIES: Okay.

22 MR. ROSENBERG: Yes. Yes, I was.

23 BY MS. DAVIES:

24 Q. Do you remember what was -- what President Clark
25 said to the leadership team?

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A. No.

Q. Okay.

MR. MALLOY: The answer was --

MR. ROSENBERG: No. But -- but I can't remember exactly.

The gist of it was in the next days, do your jobs, please. Take care of the kids. That's all we were interested in.

BY MS. DAVIES:

Q. Okay. Do you remember anything specifically about Superintendent Martinez and what had just happened?

A. No.

Q. Okay.

MR. MALLOY: What do you mean by that? I didn't understand your question.

MS. DAVIES: He says that he remembers President Clark saying, you know, do your job. Take care of the kids. And so I was trying to find out if he remembers anything that she said about whether Superintendent Martinez was on administrative leave --

MR. ROSENBERG: No.

MS. DAVIES: -- if his contract had been terminated --

MR. ROSENBERG: No, no.

MS. DAVIES: -- anything specific --

1 MR. ROSENBERG: No. No. No.

2 BY MS. DAVIES:

3 Q. Okay.

4 A. No. (Inaudible).

5 Q. That's okay. I sometimes don't remember
6 yesterday.

7 MR. MALLOY: Yeah, I remember things that
8 happened 50 years ago, but I don't remember what happened
9 20 minutes ago, usually. So don't worry about it.

10 BY MS. DAVIES:

11 Q. So all of the trustees and the officers made an
12 agreement -- made the decision to stand behind --

13 A. Yes.

14 Q. -- President Clark at the press conference?

15 A. At the press conference.

16 Q. Okay. Do you remember what she said at the press
17 conference?

18 A. No, I don't. It was a crafted piece. I should
19 have brought it with me, but I never thought to do it, and she
20 read it.

21 Q. Okay.

22 A. But I don't remember what was said.

23 Q. Do you remember any of the questions or anything
24 that came from the press to --

25 A. Yes, yes.

1 Q. Okay.

2 A. "Is he fired?" That was the first one. "No."
3 "Has this got anything to do with the Mike Mieras situation?"
4 "No. They're two totally different things." And there were a
5 bunch of other stuff. "What are you going to do now," you
6 know, that kind of business. But no.

7 There was one question that she was asked, and
8 she said, "That's something that we can't discuss." I don't
9 remember what the question was.

10 Q. Okay.

11 A. I thought she handled it well. This was rough.
12 I wouldn't have been able to do it.

13 Q. Okay. Let's jump ahead to the July 29th meeting
14 that took place here at counsel's office.

15 A. Okay.

16 Q. Were you aware of a statement that President
17 Clark made on July 31st regarding the events that had taken
18 place the prior week?

19 MR. MALLOY: You're confusing me because you
20 said, "Let's jump to the 29th," and you're asking him
21 something that happened two days later.

22 BY MS. DAVIES:

23 Q. The meeting on the 29th --

24 A. Right.

25 Q. -- that ultimately resulted in a statement being

1 made by President Clark on July 31st.

2 A. I don't remember.

3 Q. Okay. Did you ever read a statement from
4 President Clark in regards to Superintendent Martinez
5 returning to work?

6 A. Not that I remember. Not that I remember. I get
7 e-mails-and I scan them. I don't read the newspaper. I burn
8 it as quickly as I see it. I said it, and I'll stand by it.

9 MR. MALLOY: How do you feel about that?

10 MS. DAVIES: Exactly. Right?

11 BY MS. DAVIES:

12 Q. So how did you learn that Superintendent Martinez
13 was returning to work?

14 A. I remember we discussed here ramifications and
15 all that kind of business.

16 MR. MALLOY: I don't want you to discuss, please,
17 the content of your discussions with Mr. Robison.

18 MR. ROSENBERG: Right.

19 MR. MALLOY: If she asks you "yes" and "no"
20 questions --

21 MR. ROSENBERG: Okay.

22 MR. MALLOY: -- we'll deal with each one as they
23 come up.

24 MR. ROSENBERG: Okay. How do I handle it now?
25 Ask me another question.

1 BY MS. DAVIES:

2 Q. Did you learn of -- of Superintendent Martinez
3 returning to work from the meeting that you had on the 29th
4 here at counsel's office?

5 MR. MALLOY: So I think if I may paraphrase your
6 question --

7 MS. DAVIES: Yes.

8 MR. MALLOY: -- is that right?

9 MS. DAVIES: Yeah.

10 MR. MALLOY: With your permission.

11 MS. DAVIES: Yeah.

12 MR. MALLOY: I think Jennifer is asking you if
13 you recall that Pedro Martinez returned to work on
14 August 1st --

15 MS. DAVIES: Yes.

16 MR. MALLOY: -- as a result of the statement put
17 out by the president on July 31st. Correct?

18 MS. DAVIES: Correct.

19 MR. MALLOY: Okay.

20 MR. ROSENBERG: Yes. Yes.

21 MS. DAVIES: Okay.

22 MR. ROSENBERG: Yeah.

23 BY MS. DAVIES:

24 Q. So -- okay.

25 But you were not aware of the statement being

1 crafted?

2 A. I -- I was aware that something was going to
3 come.

4 Q. Okay.

5 A. But I had no idea what.

6 Q. Okay. There we go.

7 In reference to a court filing from Kent Robison
8 regarding some deficiencies -- current deficiencies, I
9 believe, of Superintendent Martinez, are you aware of that
10 court filing?

11 A. Yes.

12 Q. Okay. Are you aware of the deficiencies that --

13 A. No, I don't know which they might have put in.

14 Q. Okay. Are you aware of, at this point, any
15 deficiencies that Superintendent Martinez has at this time?

16 A. Sure. We all have deficiencies.

17 Q. Any that would -- never mind.

18 MR. MALLOY: Were you asking him what they are?

19 BY MS. DAVIES:

20 Q. Do you know what they are?

21 A. I know what I think they are.

22 Q. What do you think his current deficiencies are?

23 MR. ROSENBERG: Can I say that?

24 MR. MALLOY: Yes.

25 MR. ROSENBERG: Okay. He treats the Board with

1 complete contempt. By his own admission, he will talk to
2 groups of people on the Board, but not to all of us. There
3 are some people -- he's divisive in that way.

4 I'm not saying that he means to be, but it
5 happens. There's a certain lack of empathy and compassion.

6 Human beings make mistakes. When they do, you
7 put it right as best you can, but you don't go after them with
8 an ax. He tends to do that.

9 He doesn't know as much about education as he
10 thinks he does.

11 There is a directive to members of the faculty
12 and staff: No one is to speak to a member of the Board of
13 Trustees because, quote -- this is what I've been told --
14 "They will stab you in the back," end quote.

15 MR. MALLOY: You're saying that's what he said.

16 MR. ROSENBERG: Yes.

17 MR. MALLOY: Not what the Board said.

18 MR. ROSENBERG: No. That's what he said.

19 For me, the culture of fear in that place is bad,
20 really bad. It's all numbers. Teachers don't teach by
21 numbers, they teach by the individual kid as best you can. So
22 I find it very, very difficult.

23 We have not had a one on one meeting -- I think
24 it's in a year.

25 MR. MALLOY: When you say "we," are you talking

1 about you individually or the Board?

2 MR. ROSENBERG: No, me individually and Pedro --
3 with Pedro.

4 MR. MALLOY: All right.

5 MR. ROSENBERG: We're supposed to, as I
6 understand it, meet at the very least one on one quarterly.

7 BY MS. DAVIES:

8 Q. Okay. Let me ask you specifically: There was a
9 comment that you made, I believe, to the media that -- that
10 these had -- that this had -- had deeper issues than a CPA
11 issue.

12 A. Yes.

13 Q. What were you speaking of?

14 A. His behavior in response to it. It accelerated.
15 I mean, he went -- as far as I could tell from what I'm
16 hearing, he went completely ballistic. He was -- they -- he
17 wasn't tracking more than anything else.

18 It was bad enough that we had the situation, but
19 all attempts to calm the situation down, he wasn't having any.

20 Q. So when you spoke of the, quote/unquote, deeper
21 issues --

22 A. Right.

23 Q. -- you were speaking of Superintendent --

24 A. Right.

25 Q. -- Martinez's behavior?

1 A. Yes.

2 Q. Okay. During the entire event on the 22nd?

3 A. Yeah.

4 Q. Okay. Okay.

5 One last question, and I -- and I know you -- I
6 believe you already answered it, but I just want to clarify:
7 What was your impression at the end of the day of the -- the
8 events that unfolded? Did you believe that Superintendent
9 Martinez was going to be back to work the next day? Did you
10 believe that he --

11 A. I think I believed at that time that there was
12 going to be more discussion. As I understand what happened
13 afterwards, Mr. Martinez made phone calls and told the world
14 that he had been fired. He hadn't been fired. Nobody wanted
15 to fire him.

16 And from there, it just sort of -- then we can't
17 say anything. So what do you do? And, you know, when
18 somebody's looking at you and saying you're a bad person and
19 you're dreadful, you want to justify it, and you can't.

20 And for me, it's been really, really difficult.
21 I've been in this town for a long, long time, and a lot of
22 people that I thought knew me and knew me well don't,
23 evidently. That's frightening. Disappointing.

24 I'm going to cry is what's going to happen.
25 Idiot.

1 MR. MALLOY: Don't worry about it, Howard.

2 MR. ROSENBERG: I'm supposed to be a grown-up.

3 MR. MALLOY: Well, we all cry or we all get
4 upset. No worries.

5 MR. ROSENBERG: Let me put it to you this way.
6 In every situation, there's three sides to every story: Your
7 side, my side and the truth. It doesn't mean anybody's lying.
8 It simply means we're seeing things differently. If we can
9 just get to the middle, then a lot of people can avoid being
10 hurt, and I don't want to see anybody hurt.

11 Pedro's a young man. He doesn't need this. We
12 don't need it. There.

13 MS. DAVIES: Okay. I think I don't have any --
14 any other questions at this time.

15 Mike, do you?

16 MR. MALLOY: No, I don't.

17 MS. DAVIES: Okay. Howard, do you have any
18 questions for me?

19 MR. ROSENBERG: No. All can I say to you is I
20 never would willingly break the open meeting law. I've been
21 taught better than that. My attorney would kill me.

22 MR. MALLOY: I wouldn't. That wasn't me.

23 MS. DAVIES: That wasn't you.

24 MR. MALLOY: It wasn't.

25 MR. ROSENBERG: It's Bill Bileu. I'll say it. I

1 don't care.

2 MS. DAVIES: So at this time, I will go ahead and
3 end the interview.

4 The time is approximately 2:37 p.m. It is
5 August 5th, 2014.

6 (Proceedings concluded.)
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STATE OF NEVADA,)
) ss.
CARSON CITY.)

I, Michel Loomis, do hereby certify:

That on August 5, 2014, an interview was held in the within-entitled matter in the office of Attorney General.

That said interview was recorded, and said CD-ROM was delivered to me for transcription;

That the foregoing transcript, consisting of pages 1 through 34, is a full, true and correct transcript of said recorded CD-ROM performed to the best of my ability.

Dated at Carson City, Nevada, this 21st day of August, 2014.

Michel Loomis, Transcriber

Exhibit 6

Exhibit 6

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
RENO, NEVADA

TRANSCRIPT OF ELECTRONICALLY-RECORDED INTERVIEW

JOHN MAYER
AUGUST 4, 2014
RENO, NEVADA

Transcribed and
proofread by:

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1 RENO, NEVADA, MONDAY, AUGUST 4, 2014, 2:37 P.M.

2 -o0o-

3
4 MS. DAVIES: Today is August 4th, 2014. This is
5 an interview taking place at the law offices of Kent Robison
6 at 71 Washington Street in Reno.

7 Present in this interview is myself,
8 Jennifer Davies, deputy chief investigator, Kent Robison,
9 John Mayer who is a Washoe County School District trustee and
10 Michael Malloy. The time is approximately 2:37 p.m.

11 May I call you John?

12 MR. MAYER: Yes.

13 BY MS. DAVIES:

14 Q. John, you know this interview is being tape
15 recorded?

16 A. Yes, I do.

17 Q. And I have your consent to do so?

18 A. Yes, you do.

19 Q. Okay. Thank you. What I want to talk to you
20 about is a couple different instances, three of them
21 specifically, which is the allegation of the open meeting law
22 violation on July 22nd.

23 A. Yes.

24 Q. As well as a -- a meeting that -- Kent, how did
25 you put it prior? You actually said it really well.

1 MR. ROBISON: A legal gathering at my office on
2 or about July 29th.

3 MS. DAVIES: Correct.

4 BY MS. DAVIES:

5 Q. To -- and that ultimately resulted in
6 Pedro Martinez returning to work as well as a court filing in
7 reference to possible deficiencies related to Pedro Martinez.

8 A. Yes.

9 Q. So, if you can explain to me your role within the
10 Washoe County School District board of trustees.

11 A. I'm just a member of the board, have been for --
12 oh, finishing up my fourth year.

13 Q. Okay. So you are just, I don't want to say just,
14 but you're a board member. Do you guys call yourselves board
15 members or trustees?

16 A. Board members.

17 Q. Okay.

18 A. We call ourselves trustees too as a group. But
19 board members.

20 Q. Okay. Can you describe and tell me a little bit
21 about your recollection of July 22nd?

22 A. July 22nd, yes, I can. At 9 o'clock I went to
23 the district office for a workshop, learning workshop where we
24 actually get some credit if you want to, but I don't do that,
25 but anyway, we had a workshop on ethics. And -- at 9 o'clock.

1 And then we also had a workshop on e-mail and BoardDocs and
2 things like that to help us understand better.

3 Q. Okay. Did at any point from those -- that time
4 did you take a break and participate in any sort of a -- of a
5 legal meeting with other members and officers and legal
6 counsel, Randy Drake?

7 A. Not during those two meetings, no.

8 Q. Okay. After those meetings?

9 A. After that those meetings, yeah, we took a break
10 and the president said I'd like to talk to you about something
11 that happened to Mr. Martinez. And so we sat down. And we
12 were in -- in the board room and we already were sitting
13 around. There were other tables and stuff and so we sat
14 there.

15 MR. MALLOY: Is he speaking loud enough you think
16 to get the recording?

17 MS. DAVIES: You know, I have a pretty loud
18 voice, what I'll do is sit it closer to you.

19 MR. MAYER: I have a soft monotone.

20 MR. ROBISON: Today you have a loud voice.

21 MR. MAYER: Okay. My playground voice.

22 MR. ROBISON: There you go.

23 MS. DAVIES: You can yell at me if you want.

24 MR. MAYER: Okay.

25

1 BY MS. DAVIES:

2 Q. Can you tell me what discussions, what happened
3 during that meeting with -- with the other board members and
4 the officers and the allegations or the --

5 A. Well, they weren't allegations yet.

6 Q. Okay.

7 A. Because I had just returned from Chicago. And
8 Estela Gutierrez and myself were in Chicago for a CUBE
9 conference, which is a council of urban school districts.

10 Q. Okay.

11 A. And they asked Pedro if he was a CPA and I was
12 taken by surprise, I didn't know what was coming. And so then
13 he said why? And they gave him the information that they had
14 from the internal audit, our attorney.

15 Q. Okay. Can you tell me what that information was
16 that they shared with him?

17 A. Well, it was -- they had done some research with
18 the State of Illinois and that there was no record of him
19 being a CPA.

20 Q. Okay. And can you remember what -- what Pedro
21 Martinez's response was or what he said?

22 A. Well, at first he was looking around, he looked
23 at me like that because I was near the doorway and the tables,
24 I'd be over there, and he looked at me kind of worried and
25 wanted me to help him, but I didn't know anything about it.

1 But then he says I think there's some confusion and
2 Barbara Clark the president said we're not here to make
3 accusations, we're here to find out your status.

4 And so then he went to get a certificate that he
5 had from -- I think it was from University of Illinois and he
6 brought that back to show everybody.

7 Q. Okay.

8 A. But as the meeting -- and then he was agitated
9 when he left, but then he came back and the agitation just
10 grew.

11 Q. Keep your voice up.

12 A. And his agitation grew and grew. And in fact one
13 time he stood up and then he sat down again and he was saying
14 I must be confused, I -- I -- I just don't remember this and
15 that. And he says I always thought I was -- and gave his
16 history back to 1992 when he graduated. He took a test, but
17 he said he thought he was a CPA.

18 Q. Okay. Do you remember specifically Pedro
19 Martinez saying that he thought he was a CPA?

20 A. Not in that -- no.

21 Q. Not in those words?

22 A. No, but he indicated it that he was confused
23 about this whole situation.

24 Q. Okay.

25 A. Because he had this certificate that said that he

1 was a CPA.

2 Q. Okay. Are you aware of the statement that
3 President Clark made last week on July 31st indicating that
4 the --

5 MR. ROBISON: Do you want to know what happened
6 the rest of the day or are you going to be bouncing all over?

7 MS. DAVIES: No, I mean, we can -- we can go
8 through the whole thing and --

9 MR. ROBISON: You've talking about one-half hour
10 of six hours of July 22nd.

11 MS. DAVIES: Yeah, no, we can -- we can go
12 through it all and then I'll be more specific.

13 MR. MAYER: Okay. He -- he got real agitated at
14 that point because no one was coming to his defense really.
15 And I'll have to say I was absolutely shocked. And I'm a --
16 I'm a big supporter of his, I think he's a great guy, he's
17 doing great jobs and everything.

18 And he kept looking at me and I was no help
19 because I was shocked at the accusations to be quite honest
20 with you. And he got more agitated and more agitated. And
21 then he left. He stormed out of the room, that's the way I
22 put it.

23 And so then the rest of us looked at each other
24 and President Clark said Randy, I think we should go talk to
25 him. So Barbara Clark, this might be confusing with two

1 Barbaras, Barbara Clark who's the president and Barbara --
2 Dr. McLaury who's the vice president. And Lisa Ruggerio who's
3 the clerk. And Randy went to his office and -- to kind of
4 just talking down --

5 MR. MALLOY: When you say Pedro's office, you're
6 talking about not Randy's.

7 MR. MAYER: No, not Randy's.

8 MR. ROBISON: Keep your voice up.

9 MR. MAYER: Yeah, it was Pedro's office which was
10 down the hallway and past the lobby and into his office.

11 BY MS. DAVIES:

12 Q. Okay. And you were not present for that meeting;
13 correct?

14 A. No, I was not. And it was just those four.

15 Q. Okay. So, what happened after the officers and
16 Randy Drake met with Pedro?

17 A. Well, it was quite a while afterwards because
18 they had -- they were talking to him and everything like that.
19 And in fact, Pedro's secretary wasn't even in there. She -- I
20 don't think she was even -- worked that day because I didn't
21 see her.

22 But then they came back and they said what Pedro
23 was asked for.

24 Q. Which was what?

25 A. Well, it was -- I think it was 200,000 and health

1 benefits and 90 days on top of that. So, it would it be
2 15 months, I guess. And his health benefits and retirement
3 credits for that 15 months or whatever it added out to.

4 Q. Okay. Who came back and told you that that was
5 what had -- were you informed that that was what
6 Pedro Martinez had asked --

7 A. Yes, it was.,

8 Q. -- the officers for?

9 A. Yes.

10 Q. Okay. So who told you that that was what he had
11 asked for, do you remember which officer?

12 A. I can't recall.

13 Q. Okay.

14 A. It might have even been the attorney, I don't
15 know.

16 Q. Okay.

17 A. I can't remember who it was. It was kind of a
18 tense situation. One of our members was up and actually
19 crying at the time. So I was looking around there. So I
20 don't remember who exactly made the -- or told us about the
21 offer.

22 Q. Okay. But you're -- you're certain that when the
23 officers and counsel Randy Drake came back into your presence
24 that they had said that it was Pedro Martinez who had asked
25 for the 200,000, the 90 days, the benefits, kind of a

1 severance package?

2 A. Yeah.

3 Q. Okay.

4 A. Yeah, I'm absolutely sure of that.

5 Q. Okay.

6 A. Because they -- they defined it just as you did,
7 Pedro's severance package.

8 Q. Okay.

9 A. Those were the exact words, but I don't remember
10 whether --

11 Q. Okay. So after they came back and had informed
12 you and the other trustees that this is what Pedro had asked
13 for, what happened?

14 A. Well, some people had to use the restroom and
15 some had to collect their thoughts. And quite frankly, I was
16 still shocked. And I just sat there, I didn't get up. They
17 usually have food in another room, I didn't go get food
18 because I was really in shock.

19 And so then about oh, five, ten minutes after
20 they all gathered again everybody says well, let's -- okay,
21 you know. And so then the officers and Randy went back and he
22 had changed his tune then because he didn't accept his own
23 offer.

24 Q. Okay.

25 A. And he wanted more chips and more things I think

1 is what happened. I -- I don't know for sure because they
2 came back to the rest of us and said well, he wants to
3 continue negotiations.

4 Q. Okay. And so if he wanted to continue
5 negotiations how much longer did those negotiations --

6 A. Well, they went on for quite a while back and
7 forth, you know, they'd go in and then they'd come out, they'd
8 go back in and come out. And so I'd say maybe a good half
9 hour.

10 Q. Can you tell me, do you remember some of the
11 other proposals that -- that the board was giving to Pedro?

12 A. Well, I don't recall the -- the exact proposals
13 of what it was, but it -- it totalled out to about \$368,000
14 all told.

15 Q. And that would have included the health benefits
16 and monetary?

17 A. The money went up a little bit.

18 Q. Okay.

19 A. But the health benefits for his whole family and
20 his babies and his one-year-old and his wife and himself. And
21 then he wanted more retirement than originally he asked, but I
22 don't recall how much that was.

23 Q. Okay. At what time did the negotiations between
24 the board and the officers and Pedro cease?

25 A. Well, to my recollection I think there were two

1 rounds after his first one. And that they went back and forth
2 and then he really started getting agitated and I think
3 Barbara Clark, and I'm not sure, asked him to leave.

4 Q. Okay. So your portion, your part of the
5 negotiations was with the board in making a -- kind of a
6 package to take back to and offer Pedro as a severance
7 package; correct?

8 A. Yes.

9 Q. Okay.

10 A. But we -- we -- we didn't vote on it or anything
11 like that. We just said well, why don't we do this, why don't
12 we do that. And then the officers went back and see if that
13 would move him any.

14 Q. Okay. So it was -- was it more of just kind of
15 an open discussion amongst the board and then the officers
16 then took --

17 A. Yeah.

18 Q. -- took it to Pedro?

19 A. Yeah, it was just -- we were just putting ideas
20 out on the table, you know, and then they went back.

21 Q. Okay. And so at one point then Pedro becomes --
22 to your knowledge, he becomes very agitated, continues to
23 become agitated and President Clark asks him to leave?

24 A. Well, now I didn't see her do that.

25 Q. Okay.

1 A. But that's what -- when she came back she said
2 Pedro's gone, he left the building on my request. And --
3 because he was getting out of control.

4 Q. What else did she say to you, did she tell you
5 that the negotiations stopped; do you remember?

6 A. She says there's been no progress.

7 Q. Okay.

8 A. You know, she didn't ask this 350,000 okay or
9 anything like that. She just said that there has been no
10 progress.

11 Q. Okay. After that part.

12 A. Yeah.

13 Q. Once Pedro's left the building.

14 A. Right.

15 Q. What happened; do you remember?

16 A. I remember he came back.

17 Q. After he left the building?

18 A. Yeah.

19 Q. Okay. What happened?

20 A. Well, he left the building, I don't know if he
21 left the area, I couldn't tell you if he got in his car and
22 went to Wendy's or whatever, but I do know he left the
23 building.

24 Q. Okay.

25 A. Because I saw through the window that he left.

1 Q. Okay. And then you said he returned?

2 A. Yes, he returned.

3 Q. Did you as a trustee have any communication with
4 him at that time?

5 A. You know, I didn't want to talk to him. I was
6 really -- you don't know how upset I am, I was biting my
7 tongue because I -- it was really -- it was really upsetting
8 to me that he'd do this, you know, and just -- I've never seen
9 him even mad and I've had lots of dealings with him. And I
10 was just taken back. And I, you know, I didn't say, you know,
11 a word to him. I didn't say, you know, think it over or
12 anything.

13 Q. Okay. Do you remember, was there any other
14 interaction with the trustees and the officers and Pedro after
15 he returned to the building that second time?

16 A. Yeah. We were all in his office and he came
17 back, he came in the office, the door's over there and he came
18 in that way. And myself and Howard Rosenberg and
19 Barbara McLaury got up and went into the -- he's got like a
20 little annex room with a little refrigerator and there was
21 secretaries there, he's got a couch, table. So
22 Barbara McLaury, Dr. McLaury sat there and I sat on the couch
23 and then Howard sat there and we were just besides ourselves,
24 we didn't know what was going to happen or whatever.

25 And then a little while later Dave Aiazzi came up

1 and joined us. And Barbara Clark and Lisa Ruggerio were in
2 his office. And the next thing I saw he's got all his plaques
3 and awards and stuff under his arm and he went out that way
4 and apparently got in his car and left.

5 Q. From that were there any -- did you as a trustee
6 have any other part of any board meeting or meeting with the
7 rest of the trustees or the officers after Pedro left?

8 A. No. In fact, I left, got in my -- my car was in
9 the back and I was going down that street in the back and I
10 looked in the mirror and Barbara McLaury was coming down. And
11 when we got to Valley Road I went towards Fourth Street and
12 she went towards McCarran.

13 Q. Okay.

14 A. And Aiazzi, he went out front and he went past
15 the -- he went past the TVs and all that. I was trying to
16 avoid them, but I could see them.

17 Q. Okay. Were you -- were you present at the time
18 that President Clark gave the notification to Deputy
19 Superintendent Tracy Davis?

20 A. No.

21 Q. Okay. Were you present at the time that
22 President Clark gave notification to Chief of Staff Kristin
23 McNeel?

24 A. No.

25 Q. Okay. Were you present during the time that

1 President Clark gave the notification to the leadership team?

2 A. I was there at that meeting, yes. Yes.

3 Q. And do you remember what President Clark said to
4 the leadership team?

5 A. Yes.

6 Q. Okay.

7 A. She said that Tracy Davis and Kristin McNeel were
8 going to be co-managers and that everything was going to go
9 day to day as it has in the past and that Kristin McNeel would
10 be in charge of operations and Tracy Davis would be in charge
11 of curriculum.

12 Q. Okay.

13 A. And that there would be no changes or nothing
14 like that, they were just going to act in this role as
15 co-managers but everything should be followed through them.

16 Q. Okay. After she met with the leadership team.

17 A. Yes.

18 Q. I speak of President Clark, were you present when
19 President Clark gave notification at the press conference to
20 the media?

21 A. Yes.

22 Q. And what did -- do you remember what she said
23 there?

24 A. You know, not really. I'm sorry, I really don't.
25 I do know that she answered one or two questions at the end,

1 but I -- I don't recall what she said.

2 Q. Okay. Do you remember what those questions that
3 she answered were about?

4 A. Well, one question was just who was -- who was in
5 charge. And -- and she says we have co-managers and
6 curriculum and operations and anything that you want from the
7 press please take it through our communications department.

8 Q. Okay. So --

9 A. And see, that happened before I left.

10 Q. Okay.

11 A. It kind of -- we got out of the timeline because
12 that happened before I left.

13 Q. Before you left to go home?

14 A. Yeah. Yeah.

15 Q. Okay. So when you were talking just a minute ago
16 when you left --

17 A. When I got in my car.

18 Q. -- it was after the press conference?

19 A. The press conference, yes.

20 Q. Okay. So if I'm correct in what you said you
21 were not present at any time that President Clark was speaking
22 directly to Pedro Martinez about the events or what -- what
23 decision when she asked him to leave or --

24 A. No, I wasn't there because that was just the --
25 and I don't know, at one point I think Dr. McLaury wasn't even

1 there when they were talking to Pedro in his office, but I
2 would assume that all four were there, but I think
3 Barbara McLaury, Dr. McLaury was not there present.

4 Q. Okay. And obviously you were not?

5 A. No.

6 Q. Okay.

7 A. In fact, somebody said John, don't you want to
8 talk to him? And I said no. And I can't remember who that
9 was that asked me that, but I didn't want to talk to him.
10 Like I said before, I was biting my tongue as it was.

11 Q. Okay. You had stated earlier about the fact you
12 had been in Chicago --

13 A. Yes.

14 Q. -- just prior. Had you been aware of the
15 anonymous complaint regarding the CPA issue?

16 A. No. And in fact, no one told me about it at the
17 9 o'clock meeting and the one that followed in on the computer
18 program, no one even mentioned it to me then. And then we
19 got -- and then they said oh, we wanted to talk with Pedro
20 under our lawyer privilege. And so we all gathered around.

21 In fact, it was kind of awkward because we were
22 all in like a line because there were other tables taking up
23 the space because the staff had been in there for the ethics
24 workshop and the computer workshop. So it was kind of like we
25 were just a bunch lined up and I couldn't see the faces even

1 down at the other end.

2 Q. Okay.

3 A. And so I don't think this was planned. I don't
4 think that -- because, you know, they could have called me in
5 Chicago and say if it was really hot, come home or when you
6 get home on Tuesday we want to have a deal. Because it was
7 really an information from Pedro, a gathering information from
8 Pedro.

9 Q. When?

10 A. It was right after the little thing on BoardDocs
11 on the computer.

12 Q. Okay. So you're speaking that the information
13 gathering from Pedro was that initial --

14 A. It was prior.

15 Q. -- meeting that the trustees had with him?

16 A. Because Barbara Clark and Randy, they were the
17 kind -- they kind of told us about the anonymous call and that
18 during that meeting, but nobody else knew about it.

19 Q. Okay.

20 A. That I know of anyway.

21 Q. Did they give you any information as to who made
22 the call?

23 A. Well, yeah, they said that there was an anonymous
24 call from a person back East that was also an auditor to our
25 auditor because they had met in an auditor's conference or

1 whatever, you know.

2 Q. Okay.

3 A. A meeting or association or whatever. And so he
4 called and told our internal auditor that Pedro was not a CPA.

5 Q. Okay. But never -- you weren't ever given a
6 name --

7 A. No, I wasn't.

8 Q. -- as to who it was?

9 A. No.

10 Q. Okay.

11 A. I wasn't, I don't know if anybody else was, but I
12 didn't get a name.

13 Q. Okay. Do you have any knowledge as to anything
14 that was done to either prove or disprove the allegation
15 regarding the CPA issue?

16 A. No, but I could say this, you know, I've been
17 places where I thought Pedro was a certified public accountant
18 and my brother-in-law was -- he's now been -- he was a CPA and
19 they had to take classes, just like teachers, you know, they
20 had to keep their license current.

21 And I asked Pedro, oh -- he went someplace and I
22 says oh, are you working on recertification credits? And he
23 says no, I'm going to an education west conference. And I
24 said oh, okay. Because that's what I thought he was a CPA. I
25 thought. I never asked him for his card or whatever, but he

1 acted as one, you know, when he'd talk with me at lunch or
2 whatever.

3 Q. Okay. Can you tell me a little bit about -- and
4 I don't want to get into your private information.

5 A. Yeah.

6 Q. But in reference to him talking about being a CPA
7 when you guys would have conversations.

8 A. It was just like, you know, talking about
9 football.

10 Q. Okay.

11 A. You know, or something. Especially when my
12 brother-in-law died I asked him a few questions about stuff.

13 Q. Okay. But it was something that you were aware
14 of in more depth than just say it being on his resume or --

15 A. Yeah.

16 Q. -- a past certificate of his?

17 A. Yeah, you're absolutely right.

18 Q. Okay. Before I go into anything --

19 A. Sure.

20 Q. -- a little bit more specific, is there anything
21 that you can think of for the timeline throughout that day
22 that -- that we missed or?

23 A. Not that I -- no.

24 Q. Okay. I had brought up just a little while ago a
25 statement that President Clark made on July 31st, 2014.

1 A. Was that a Friday or --

2 Q. I believe it was Thursday.

3 A. Last Thursday.

4 Q. It was last Thursday, I believe.

5 A. Okay.

6 Q. And it was in reference to the events that
7 surrounded the previous week with Pedro Martinez, were you
8 aware of -- are you aware of that statement?

9 A. Well, I imagine she worked with the lawyers on it
10 on releasing a statement. I wasn't aware of any.

11 Q. Okay. Were you at any time present in any
12 meeting or discussion with President Clark and legal counsel
13 to discuss any sort of statement that she was going to give in
14 reference to Pedro Martinez returning back to work?

15 A. No, I wasn't.

16 Q. Okay.

17 A. I --

18 Q. Can you tell me how you found out that Pedro
19 Martinez was going to return to work?

20 A. I found out in the news media that he was going
21 to come back to work.

22 Q. Okay. So as a trustee you found out the way that
23 the majority I think probably --

24 A. Yeah.

25 Q. -- most of --

1 A. Yeah.

2 Q. -- Washoe County found out he was coming back to
3 work?

4 A. His lawyer didn't call me.

5 Q. Okay.

6 A. You know, that's absolutely, you know, in fact,
7 I'll tell you a lot of -- a lot of this stuff that I got about
8 him coming back to work my wife told me because she watches
9 the 11 o'clock news and I don't. So, it was on the 11 o'clock
10 news. And she came in and says Pedro's coming back to work.

11 Q. Okay. So you were not informed by any other
12 trustee or the officers prior to?

13 A. No, I had no recollection of that.

14 Q. Okay. To go back a little while, when you were
15 talking about the -- after the -- I think you said the
16 computer meeting --

17 A. Class.

18 Q. -- class.

19 A. Yeah.

20 Q. Everybody left you guys as a -- as a board the
21 trustees and the officers met and that was when you first
22 found out about the allegations in reference to the CPA
23 issue --

24 A. Yes.

25 Q. -- with Pedro; correct?

1 A. Yes. It was -- it was -- the whole thing was
2 like a classroom setting, you know, you had tables and
3 everything and then people are running in and out and
4 everything. And then Barbara Clark said staff, you're going
5 to have to leave, we're having a lawyer -- meeting with the
6 lawyer and so, you know, so -- in fact, one of the guys that's
7 in charge of IT was still messing around getting the stuff to
8 take out. And he left and then we left and then she brought
9 up the accusations and told us.

10 Q. Okay. And during that portion as well as the
11 subsequent back and forth meetings, can you tell me was it
12 the -- who was present at those?

13 A. Which ones?

14 Q. What trustees and officers were present
15 initially, I know that --

16 A. When we were --

17 Q. -- throughout the day it kind of --

18 A. When we were talking to --

19 MR. ROBISON: Wait a minute, let her ask the
20 question.

21 BY MS. DAVIES:

22 Q. I know that initially there were -- I believe
23 there were six of the members present; correct?

24 A. Well, that's not correct.

25 Q. Okay. So --

1 A. When we started off when we had -- it was
2 Cafferata-Jenkins give us a class, Lisa Ruggerio and Aiazzi
3 were not there.

4 Q. Okay. After the classes --

5 A. Yeah.

6 Q. -- and there was a -- was there a break and
7 then --

8 A. There was a little break.

9 Q. And then President Clark told staff that they
10 needed to leave?

11 A. Yeah.

12 Q. Who was present at that time?

13 A. Well, there was Randy and six of the board
14 members.

15 Q. Okay.

16 A. Estela Gutierrez was not there.

17 Q. Okay. And then obviously throughout the
18 remainder of the day board members had different roles from my
19 understanding.

20 Was Estela Gutierrez a part of any part of the
21 meeting by phone or --

22 A. Yes, she was there -- phone and you're going to
23 ask me who called who and I don't know.

24 Q. No, no, no. Do you remember what portion of the
25 discussions that she was part of?

1 A. Well, it was when -- at the time after Pedro gave
2 us an offer.

3 Q. Okay.

4 A. And then -- and they went back and made another
5 offer. She said it was on the phone at that time.

6 Q. Okay. So during -- during the negotiations of a
7 possible severance package?

8 A. Um-hum.

9 Q. She was part of that?

10 A. Yes.

11 Q. Okay.

12 A. She didn't -- you know, she didn't have much to
13 say, but she was there, she heard it.

14 Q. Okay. Did you receive advice from your legal
15 counsel prior to or during these legal meetings? I'm not
16 asking what was said, I'm --

17 MR. ROBISON: Hold on. Jennifer, you got to be
18 specific about which meeting.

19 MS. DAVIES: My apologies.

20 BY MS. DAVIES:

21 Q. During the initial meeting prior to the
22 discussion of the severance package when the six were
23 discussing initially the CPA issue?

24 A. Yes.

25 Q. Had you been given -- did you receive any legal

1 advice from your legal counsel?

2 A. I don't believe so.

3 Q. Okay.

4 A. Other than I do think he said that this is --

5 Q. And you don't need to --

6 MR. ROBISON: Let him finish. This is a legal
7 gathering is where he was going. Let him finish.

8 MR. MAYER: Yeah, he -- he said this is a
9 lawyer/client meeting.

10 BY MS. DAVIES:

11 Q. Okay. My apologies. I just didn't want to -- I
12 didn't want you to share what was said.

13 A. Okay.

14 Q. So that's why I stopped you. My apologies.

15 And you said when we're speaking of the
16 negotiations between the trustees and the officers and Pedro,
17 that it was kind of -- it -- was it just kind of an up in the
18 air discussion that there was never any definitive vote or --

19 A. There wasn't a vote.

20 Q. Okay.

21 A. It was just, you know, like I came up with -- I
22 said well, I think that's too much or something like that and
23 then somebody else well, no, he made a good offer, they're --
24 you know, it was that type of deal. But they didn't say all
25 those in favor say aye.

1 Q. Okay. And then at that point then was it
2 President Clark's decision to then take a new offer to Pedro
3 or who did that; do you remember?

4 A. You know, I don't know whose idea that was, but
5 that's normal procedure.

6 Q. Okay.

7 A. You know, if we negotiate between administrators
8 and stuff, you know, that's usually what we do.

9 Q. Okay. Are you given -- it's my understanding
10 that the trustees and the officers are given a stipend for
11 your cell phone and/or to offset Internet costs and whatnot
12 for e-mails?

13 A. I don't take that.

14 Q. Okay.

15 A. As of -- they didn't -- they took it out of
16 July -- July's check, but then I went in and I don't get it
17 now.

18 Q. Okay.

19 A. And I don't think -- well, I can't speak for
20 other people.

21 Q. Okay. Did you prior to July, did you receive a
22 stipend --

23 A. Yeah.

24 Q. -- from the district?

25 A. Yeah, and I hadn't -- I hadn't realized it.

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Q. Okay.

A. It says technology, blah, blah, blah. And I didn't realize it. And so my Internet -- Charter Internet my wife uses for banking and all that. And so I thought, you know, this is no good to have the district paying for my stuff. So I went in in July and -- in fact, I says I want don't want it taken out of my check anymore.

Q. Okay. Have you had occasion any instances where you have had the need to communicate by cell phone or text message with other trustees or the officers?

A. Very little.

Q. Okay.

A. I'll tell you I -- they don't call me very often, you know, and I don't call them. And I will text oh, there's a meeting today at such-and-such a time, something like that.

Q. Okay.

A. And then that's about all.

Q. Have you had on occasion to ever text or make a phone call to Superintendent Martinez regarding anything work related?

A. No. Just me cancelling a meeting or something like that. He very rarely texts me at all.

Q. Okay. Okay. So, I talked about earlier a couple other dates that I want to discuss. And I just want to -- to make certain that I'm clear.

1 There was a meeting that took place on July 29th
2 that I believe was with President Clark and legal counsel
3 regarding a decision for Pedro to return back to work?

4 MR. ROBISON: Well, there was a meeting in my
5 office on July 29th about the lawsuit. No decision or meeting
6 occurred about him returning. We covered this.

7 MS. DAVIES: Okay.

8 MR. ROBISON: And he so testified.

9 BY MS. DAVIES:

10 Q. And what I'm just wanting to clarify is that you
11 were not party, you were not present during -- or were you
12 present during that meeting with legal counsel?

13 A. I don't think that that -- I had any -- I don't
14 believe so. I -- I don't recall that at all.

15 Q. Okay. And were you present during any discussion
16 regarding a court filing that -- that talks about possible
17 deficiencies of Superintendent Martinez?

18 A. No. Again, my wife told me when she saw it in
19 the paper. Because some of those things in there that are
20 dear and near to my wife's heart and my heart. And so when
21 she read it -- actually when she read it on her computer she
22 came in and said their lawsuit's been expanded because of the
23 deficiencies that were pointed out to.

24 Q. Okay.

25 A. And that's the first I heard about that.

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Q. Okay.

A. It was good though.

Q. Okay.

MS. DAVIES: I believe that's all I have, all the questions I have for you. Kent or Michael, do you have anything that you want to add?

MR. ROBISON: No thank you.

MR. MALLOY: No.

MS. DAVIES: Do you have any questions for me?

MR. MAYER: No.

MS. DAVIES: Okay. What I would ask is that you don't discuss any interview responses.

MR. MAYER: No.

MS. DAVIES: Or anything that's outside of this office or this room --

MR. MAYER: Yeah.

MS. DAVIES: -- until my investigation is complete.

MR. MAYER: You won't have any problem with that.

MS. DAVIES: I appreciate it.

MR. MAYER: I don't (inaudible) office.

MS. DAVIES: What I'm going to do is I'll go ahead and end the interview. It is August 4th, 2014, and the time is approximately 3:14 p.m.

(Proceedings concluded at 3:14 p.m.)

1 STATE OF NEVADA,)
2 CARSON CITY.) ss.

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I, Michel Loomis, do hereby certify:

That on August 4, 2014, an interview was held in the within-entitled matter in the office of Attorney General.

That said interview was recorded and said CD-ROM was delivered to me for transcription;

That the foregoing transcript, consisting of pages 1 through 32, is a full, true and correct transcript of said recorded CD-ROM performed to the best of my ability.

Dated at Carson City, Nevada, this 21st day of August, 2014.

Michel Loomis, Transcriber

Exhibit 7

Exhibit 7

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
RENO, NEVADA

TRANSCRIPT OF ELECTRONICALLY-RECORDED INTERVIEW

LISA RUGGERIO

AUGUST 5, 2014

RENO, NEVADA

Transcribed and
proofread by:

CAPITOL REPORTERS
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1 RENO, NEVADA, TUESDAY, AUGUST 5, 2014, 3:05 P.M.

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3
4 MS. DAVIES: Okay. The time is approximately
5 1:06 p.m. It is August 5th, 2014. This interview is being
6 conducted at the law offices of Kent Robison at 71 Washington
7 Street in Reno, Nevada.

8 Present in the interview is myself, Jennifer
9 Davies, Deputy Chief Investigator.

10 And you are the clerk; correct, of the Washoe
11 County School District board of trustees?

12 MS. RUGGERIO: That's correct.

13 MS. DAVIES: So, Lisa Ruggiero. And the spelling
14 is R-U-G-G-E-R-I-O.

15 Also present is Kent Robison and Michael Malloy.

16 First of all, Lisa, you are aware that I am tape
17 recording this; correct?

18 MS. RUGGERIO: Yes.

19 MS. DAVIES: And I have your permission to do so?

20 MS. RUGGERIO: You do.

21 MS. DAVIES: Okay. Also, I'll just make it known
22 that counsel is also tape recording for their purposes.

23 So, what I want to discuss first is the events
24 that took place, kind of led up to and took place during the
25 day on July 22nd, if you can kind of go through those and let

1 me know. And then we'll kind of try and break it down a
2 little bit.

3 MS. RUGGERIO: Okay. So, just tell you --

4 BY MS. DAVIES:

5 Q. Yeah, if you want to just go through your story
6 and tell me, that would be great.

7 MR. MALLOY: Story?

8 MS. DAVIES: Well, okay. Your side.

9 MR. ROBISON: Please keep your voice up because
10 we want to make sure that we pick you up.

11 MS. RUGGERIO: Okay. So on -- let's see. On
12 July 22nd, I arrived at the school district to attend a
13 meeting. The meeting started earlier in the day, but I did
14 not attend the first part of the meeting. And so, let's see,
15 the meeting started. It was a board docs training, which is
16 an online program that we use for our agenda and our minutes.
17 And so it was to train the trustees on how to use it because
18 we use it during the meetings --

19 BY MS. DAVIES:

20 Q. Okay.

21 A. -- to review -- look at the agenda items and the
22 corresponding documents. And so the person came in, actually,
23 and trained the trustees and staff on how to use the board
24 docs program.

25 Q. Okay.

1 A. And after that, we had a -- we went through that
2 training, and then after that, I think there was a short
3 break. And then we went into what was supposed to be a -- I
4 think we were talking about our board governance. I think it
5 was called -- you call it a policy meeting.

6 And so we were to talk about our board
7 governance, and when the meeting was about to begin, we were
8 seated. And President Clark gavelled and said that we would
9 be going into a legal meeting. And then after that, we went
10 into a meeting with the Board members and counsel and
11 Superintendent Martinez.

12 And President Clark presented that there had been
13 a complaint about Superintendent Martinez regarding his having
14 a licensed CPA.

15 MR. MALLOY: Excuse me. Are you going to conduct
16 this -- just let her talk like that or are you going to ask
17 questions?

18 MS. DAVIES: No, I'm going to let her tell the
19 story and we'll kind of go back.

20 MR. MALLOY: All right. Fair enough. It's your
21 interview.

22 MS. DAVIES: No, that's okay.

23 Go ahead.

24 MS. RUGGERIO: And so that was presented, and
25 comments were -- comments were made by some of the trustees.

1 Superintendent Martinez made some comments and got up and left
2 the room and came back with a piece of paper, presented that
3 to the trustees. Then he left again.

4 After that, the trustees were concerned and felt
5 that based off of Superintendent Martinez's response, because
6 it was a little -- I don't know the right word to use.
7 Troublesome, maybe. That we needed to talk about -- when we
8 talked about putting this forward in a public meeting, he
9 became inappropriate.

10 BY MS. DAVIES:

11 Q. Okay.

12 A. His behavior was inappropriate.

13 And then he left the room, and then President
14 Clark was going to go and talk to him. And Dr. McLaury said,
15 "No, you're not going to go by yourself," and so then the
16 three officers agreed that we would go and sit down with him
17 along with our chief legal counsel, Mr. Drake.

18 Q. Okay. And just to clarify, you were one of the
19 three officers of the board of trustees; correct?

20 A. That's correct. President Barbara Clark; Vice
21 President Barbara McLaury, Dr. Barbara McLaury; and then I am
22 the clerk.

23 Q. Okay. So then -- so the three of you including
24 legal counsel went to talk to Pedro Martinez?

25 A. Yes.

1 Q. Okay. And what happened?

2 A. So we went into Superintendent Martinez's office
3 and sat down, and President Clark spoke and talked to Pedro
4 that we would have to go forward in a public meeting with this
5 information. And he started acting up again, acting
6 inappropriate.

7 And at that time, he kind of started saying, "Pay
8 me, just pay me", you know, "pay me my contract," which was a
9 little odd, honestly. So -- and, you know, President Clark
10 said that's not appropriate.

11 At that time, he continued to -- to demand that
12 he be paid this money. And, you know, I said, "Pedro, that's
13 not appropriate," and then he started to threaten us that he
14 was going to -- that he was going to try to humiliate us in
15 the press and that he was going to go to the governor and
16 Arnie Duncan.

17 And at that time, we just -- I said to -- I think
18 we just kept saying, "That's just not appropriate." And at
19 that point, I think we just got up and left and went into the
20 board room.

21 Q. Okay. So when you guys got up to leave and you
22 went into the board room, is that when the discussion back and
23 forth regarding a possible severance package started?

24 A. So --

25 Q. -- when that take place?

1 A. So it just became very --

2 MR. ROBISON: Hold on. Let me just -- you have
3 to wait until she completes her question before you start
4 answering, okay?

5 MS. RUGGERIO: Sorry.

6 MS. DAVIES: That's okay.

7 MS. RUGGERIO: It's an Italian --

8 MR. MALLOY: Everybody does it, okay?

9 MS. DAVIES: It's a hard habit to break, and I
10 still do it. So don't worry about it. Yeah.

11 So, how did that happen? How did that get
12 started?

13 MS. RUGGERIO: Okay. So ask me the question
14 again.

15 BY MS. DAVIES:

16 Q. In reference to the discussion between the Board,
17 the trustees and the officers and Pedro Martinez --

18 MR. ROBISON: You mean the Board officers?

19 MS. DAVIES: Yes.

20 MR. ROBISON: Thank you.

21 BY MS. DAVIES:

22 Q. How did that discussion about the possible
23 severance package get started?

24 A. In Pedro's office?

25 Q. Well, from what I understood, he mentioned, "Just

1 pay me my contract," you know, "just pay me," and the response
2 from you was, "That's inappropriate." And then you guys left.

3 A. Yes.

4 Q. And went back to the board room; is that right?

5 A. Yes.

6 Q. So, when you guys went back to the board room,
7 was there more discussion about a severance package?

8 A. So, basically, I mean, there was -- basically
9 I -- it may have been President Clark who said, "He's, you
10 know, demanding money to resign," and I think at that time,
11 Randy Drake said, "Let me go and talk to him."

12 Q. Okay.

13 A. So, that's what happened. I mean, it wasn't like
14 any -- it was chaotic because we weren't -- we weren't
15 prepared for him to behave the way he was behaving. So I
16 think we were all in a little -- just very upset.

17 Q. Okay. So what discussion, if any, took place,
18 then, after Randy left? Did Randy come back with any
19 information from Pedro for the officers or was there any
20 discussion back and forth about possibly paying him a
21 severance package?

22 A. So, at that time, it was just very, very
23 scattered. So there were several conversations going on at
24 that time. And I think Randy was back and forth several times
25 and talked with some of the trustees about what was happening

1 with his conversations with Superintendent Martinez, but
2 nothing like, you know, we sat down and had a conversation or
3 anything like that.

4 It was just sheer, utter chaos. I was tending a
5 little bit to Trustee Rosenberg just because he was wanting to
6 go and interact with Superintendent Martinez. I said that's,
7 you know, let's just sit down, be calm and try to see what's
8 going to happen here. So...

9 Q. Okay. After -- after that, what happened?

10 A. I think at that time, Superintendent Martinez
11 left and then the trustees went into Superintendent Martinez's
12 office. And at that point, I think President Clark called in
13 Communications staff, and they worked on a press release.
14 Still very, very chaotic.

15 And then I think after that, she may have called
16 in the leadership team, which are the two -- our two -- our
17 chief of staff and our deputy superintendent. She called them
18 in, and then after that, I think Communications called a
19 meeting of the leadership staff and most of the trustees went
20 and met with leadership staff.

21 And then after that, I trailed in a little bit
22 later with Trustee Aiazzi and Randy Drake, and then we all
23 returned back to Superintendent Martinez's office, and then we
24 saw that he came back. He was back in his office.

25 Q. Okay. And if you need to take a break -- I mean,

1 it -- it's obvious that this is visibly upsetting you. So I
2 don't want to make this really difficult. So, if you want to
3 take a break at any time -- I mean, it's just an interview.

4 A. Okay.

5 Q. So it's not a big deal at all. Okay?

6 A. Yes. Sorry.

7 Q. No, no, no. Don't worry about it. I'm just
8 trying to gather all the facts from everybody and put it all
9 together. So there's no pressure. Okay?

10 A. It was a bad day. So -- that's all.

11 Q. It sounds like there was a lot of emotion, so --
12 So initially when you came out of the governance
13 meeting at the very beginning of the day -- I think you were
14 talking about the governance or policies or --

15 A. We were scheduled to go into --

16 Q. Oh, that's right. You were scheduled to go, and
17 that's when President Clark gavelled and said, "We're having a
18 legal meeting" and requested all other staff to exit. This
19 was in the board room; correct?

20 A. That's correct.

21 Q. Okay. And at that time, President Clark
22 presented the complaint regarding the CPA issue; correct?

23 A. Correct.

24 Q. Okay. So then during that time, President -- or
25 Superintendent Martinez was present?

1 A. That's correct.

2 Q. Okay. Discussing the CPA issue, his side of the
3 story to tell you guys, what did he say?

4 A. He just was very confused. He didn't really say
5 anything. It -- my perspective as a trustee listening to him,
6 it was very -- his response was odd because he seemed so
7 confused, and kind of one minute, he was saying one thing and
8 the next minute, he may have kind of said like the opposite.
9 So it was worrisome.

10 Q. Do you remember specifically what he said that
11 was -- that was so different?

12 A. I mean, I can't tell you exactly -- remember
13 exactly what he said. I can just tell you the feeling --

14 Q. Okay.

15 A. -- that I had as a trustee because, you know,
16 we're responsible. And so, when you just -- it just was not
17 the type of response that you would have expected for the
18 situation. And it was -- he was very defensive and agitated,
19 so...

20 Q. Okay. So, if I understand it, so then the
21 discussion about the CPA issues takes place.

22 And at what point does somebody ask -- does
23 somebody ask Superintendent Martinez to leave?

24 A. Superintendent Martinez got up and left twice in
25 that meeting.

1 Q. Okay.

2 A. So he just got up and left and came back the
3 first time with a piece of paper, and I want to say it was a
4 copy of a certificate. But I have really low vision, so I did
5 not really study it. But he presented it. It's a copy of
6 a -- his CPA certificate or something like that.

7 Q. Okay.

8 A. So -- and then he talked some more -- again, was
9 kind of really inappropriate and then left again.

10 Q. Okay. Was he ever asked to leave or did he just
11 leave on his own that second time?

12 A. He just left on his own.

13 Q. Okay. So he left, and then, if I understood you
14 correctly, then it was you and Vice President McLaury and
15 President Clark along with Randy Drake who went to his office
16 to speak with him in person?

17 A. Yes.

18 Q. What conversations took place there?

19 MR. MALLOY: Did you -- was that answer a "yes"?

20 MS. RUGGERIO: Yes.

21 MR. MALLOY: Go ahead.

22 MS. RUGGERIO: Sorry.

23 MS. DAVIES: That's okay.

24 BY MS. DAVIES:

25 Q. What conversation took place in his office?

1 A. So, like I said, President Clark had gone to the
2 back. "This is serious" and that "the trustees are going to
3 have to take this to a board meeting." I'm not exactly sure
4 how she described it, but, you know, to a public meeting. And
5 he just again very shockingly just said, you know, "Pay me" --
6 you know, "pay me money and I'll go." And that's not
7 appropriate. Then he made the inappropriate remarks.

8 Q. And what were the inappropriate remarks?

9 A. He said that he's going to go to the governor and
10 Arnie Duncan, and he was going to humiliate the school
11 district in the media.

12 Q. Okay. At that point, did President Clark respond
13 or did you and the other officers and counsel leave it alone?

14 A. We just said that's -- "Pedro, that's not
15 appropriate," several times saying that. So...

16 Q. When you -- after you and the officers returned
17 to the board room and there was some discussion about the
18 severance package, do you know -- I'm trying to kind of figure
19 out how the conversation -- and I know you had said it was
20 very chaotic, and there was a lot of people tending to a lot
21 of different things.

22 A. Um-hum.

23 Q. Can you remember how or who started those
24 conversations, how it came down? I'm trying to kind of narrow
25 down how.

1 A. I -- so who like informed the others about what
2 happened? I don't know if we -- I don't know how that
3 happened.

4 MR. ROBISON: Watch it, you are covering your
5 mouth. Thank you.

6 MS. RUGGERIO: Oh, sorry. I don't know how that
7 part happened.

8 BY MS. DAVIES:

9 Q. Okay.

10 A. But I just remember Randy Drake saying, "I'm
11 going to go and talk with him" and him leaving. I do remember
12 that, so...

13 Q. Okay. Did Randy Drake then come back with
14 information to present to the Board?

15 A. I think Randy Drake came back -- there was
16 several visits back and forth and came back. I wasn't really
17 paying too much attention to that because it was chaotic.

18 So we were spread -- so we had the -- we had
19 tried a new setup in the board room, so it was a different
20 setup than we usually have. And we were all spread out all
21 over. We weren't sitting around the Board table.

22 And so there was -- I think Mr. Mayer was in the
23 corner and maybe Trustee Aiazzi were kind of talking when
24 Randy was coming back in. But I was on the other side of the
25 room talking with Trustee Rosenberg, trying to --

1 Q. To calm him down?

2 A. Yeah. I mean, he wasn't excited, but he wanted
3 to go jump in and help, and I just was trying to keep things
4 at a minimum because it was kind of a crisis situation.

5 Q. Okay. So was there any time that you can recall
6 that Counsel Drake or President Clark -- did President Clark
7 ever ask for any input or anything regarding offering Pedro
8 any sort of -- of a severance package to leave?

9 A. Did she ask me?

10 Q. Yeah, did she ask you?

11 A. No.

12 Q. Do you remember hearing her ever asking any other
13 members of the Board?

14 A. I don't know. I just know that there was some
15 conversation kind of going on in the corner, but nothing like,
16 "How do you feel about this?" I mean, it wasn't that type of
17 environment. It was very chaotic and uncomfortable.

18 Q. Okay.

19 A. They were worried because --

20 Q. So if I'm going to paint a picture -- and I don't
21 want to -- but I'm trying -- the trustees and the board
22 members were not sitting around a table with eight chairs
23 having a conversation, you know, just very calm and everybody
24 was kind of in different areas of the board room taking care
25 of different things?

1 A. That's correct.

2 Q. Is that the picture?

3 A. That's exactly the picture.

4 Q. Okay. So what happens -- does -- do you know if
5 President Clark then says, "This is" -- "this is what we're
6 going to do. This is what we're going to offer him" or "this
7 is" -- how did that portion finally end? Do you know?

8 A. I think -- I think someone said that
9 Superintendent Martinez had left the building. And so, then
10 the trustees filed out of the board room and into
11 Superintendent Martinez's office. And that's when President
12 Clark called in Communications staff.

13 Q. Okay.

14 A. And she was working with them and -- I believe to
15 write a statement, a press release statement.

16 Q. Now, just out of curiosity, why would the
17 trustees go into Superintendent Martinez's office --

18 A. Um-hum.

19 Q. -- as opposed to staying in the board room?

20 A. Well, because the board room -- well, one, it
21 just wasn't -- it was set up differently that day. So, I
22 think just to kind of keep an -- I think we were concerned
23 about, you know, I was concerned about, you know, what was
24 going to happen next. So I think, you know, when I found out
25 Superintendent Martinez left, I may have even said, "Well,

1 let's go" -- you know, "into Superintendent Martinez's
2 office."

3 Q. Okay. So then the trustees as well as the
4 officers and Counsel Randy Drake are in his office?

5 A. Well, so let me explain what his office looks
6 like.

7 Q. Okay.

8 A. His office is like several offices and a sitting
9 area. You walk in. There's Superintendent Martinez's
10 secretary's desk, and then you go down this way. There's the
11 Board of Trustees' secretary's desk. And then over here is
12 like a sitting area where there are couches and chairs and
13 coffee.

14 Then there's an entrance into Superintendent
15 Martinez's office.

16 Q. Okay.

17 A. So --

18 Q. So everybody -- all the trustees and the officers
19 and Randy Drake are already in Superintendent Martinez's
20 office at this time when he returns, or are you in kind of the
21 outer annex area?

22 A. No. No, we are -- so when he returns the second
23 time?

24 Q. Correct.

25 A. So, no, we're out of that office, not even the

1 entrance part where the secretary is. We're in the board room
2 or in the hallway because they had just had a discussion with
3 the leadership team.

4 Q. Okay.

5 A. President Clark. I wasn't there for the
6 discussion. I was trailing -- I was trailing behind because I
7 was waiting for Randy Drake and Trustee Aiazzi, and by the
8 time I got there, President Clark had already finished talking
9 to the leadership team. So I turned around -- I think I got
10 into the board room, but all of the leadership team was
11 already gone.

12 Q. Okay.

13 A. So we turned back around and came filing back
14 into the general office area, Superintendent Martinez's office
15 where the secretary and all that is. And then I noticed that
16 Superintendent Martinez was there kind of squatted behind his
17 desk.

18 Q. Okay. Were you present when President Clark
19 informed Deputy Superintendent Tracy Davis of the events that
20 had just occurred?

21 A. I should have been present.

22 Q. Okay.

23 A. Yeah. I was there.

24 Q. Do you remember what was said or --

25 A. No.

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Q. Okay.

A. Hum-um. No.

Q. Were you --

A. I was either at the table or I was right outside in the waiting area. But I was in right there in the vicinity, but I don't remember.

Q. But you don't remember actually being in with her when she informed the deputy superintendent of the events?

A. I may have been in there, but I don't -- I'm not saying that I was or wasn't. I just -- I don't have that memory.

But I was there, I mean, I remember seeing Tracy, but I don't know if I remember hearing President Clark tell her what was going to happen.

Q. Okay. Were you present when President Clark told Chief of Staff Kristin McNeel about the events that had just unfolded and what was going to happen?

A. I don't remember if I was there with Kristin either. I can't remember that part. I'm sure I was.

Q. Okay.

A. I'm, you know, that was the only place I was at. I don't know if I was right outside on the couches or in the office.

Q. Okay. But you don't have any recollection of actually what was said by President Clark to either Tracy

1 Davis or Kristin McNeel?

2 A. No.

3 Q. Okay.

4 A. I mean, I can kind of guess probably what was
5 said.

6 Q. And I don't want you to guess.

7 A. Okay. Um-hum.

8 Q. If you were there and you remember, then
9 obviously, I want you to tell me what you remember.

10 A. Um-hum.

11 Q. But if you don't, you don't.

12 A. Okay.

13 Q. So then Superintendent Martinez comes back and
14 he's in his office. What is he doing at that time?

15 A. So when we walked back in, Superintendent
16 Martinez was kind of squatted behind his desk. And I think I
17 followed President Clark in, and she kind of said, you know,
18 "Pedro, what are you doing?" And he ignored her. And I think
19 she asked him again and he ignored her.

20 And then he kind of got up and was shuffling
21 going through papers on his desk and then turned around,
22 turned his back to President Clark and started taking things
23 off his wall. He got on a chair and started taking things off
24 his wall in his office by his desk.

25 Q. Okay. Were you ever present when President Clark

1 told Pedro Martinez that he was going to be placed on
2 administrative leave?

3 A. No.

4 Q. Were you ever present when President Clark might
5 have told Superintendent Martinez that he was -- his contract
6 was being terminated?

7 A. No.

8 Q. Okay. What, as an officer of the Board, what was
9 the -- what was the outcome -- what was the plan that you guys
10 had, you know, because obviously, what I'm trying to figure
11 out is you guys have this discussion about the CPA issue --

12 A. Um-hum.

13 Q. -- and then Pedro leaves and then he comes back.
14 I'm trying to figure out what was told to Pedro and kind of
15 how that all went down.

16 A. Um-hum.

17 Q. So --

18 MR. ROBISON: (Inaudible) the Board after the
19 money --

20 MS. DAVIES: After the money.

21 MR. ROBISON. Okay.

22 MS. DAVIES: So he goes back -- after the money
23 goes back and forth, I'm trying to figure out, did -- yeah,
24 did President Clark tell him, you know, "You're fired, you're
25 on administrative leave."

1 MR. ROBISON: You left out -- you might as well
2 go back and forth when Pedro left.

3 MS. DAVIES: Right. He left and then he came
4 back. So, I'm just trying to figure out --

5 MS. RUGGERIO: So, when he came from in his
6 office the second time?

7 MS. DAVIES: Right. Just as a person, you would
8 think that you wouldn't normally just walk out of your office
9 and grab your stuff, you know. And so was there an instance
10 that you were involved in or that you're aware of that he was
11 told to leave the building, "You no longer work here, we don't
12 want you here" -- those are all my words. But was there any
13 sort of occurrence that happened that you're aware of that he
14 was given some sort of information like that?

15 A. Not that I'm aware of because the
16 conversations -- like I said, it was an odd conversation to
17 come from something -- you know, from the original discussion
18 the way it -- the way it went. That was very troublesome. It
19 was about money. He was very focused on he wanted money, and,
20 you know, that was it. And it was not appropriate. It was
21 not appropriate, and he was just -- he was agitated. He was
22 just not being rational.

23 And I was very worried because when he took all
24 of the frames off of his wall, they were glass frames. So
25 glass back to back, not -- not a certificate like where you

1 think -- you know, it was backed by cardboard. It was
2 plastic. They were slipping out of his hands, and I became
3 very concerned, you know, that they might get dropped, things
4 like that. So that was kind of my focus was the whole safety
5 and his demeanor.

6 Q. Okay. In reference to the complaint about the
7 CPA issue, are you aware of -- were you aware of this
8 anonymous complaint or how this complaint was -- came in to --
9 to -- to the Board?

10 A. I think President Clark said that there was an
11 anonymous complaint about it, and that's all I know.

12 Q. Okay. Did you know anything prior to that
13 initial time when President Clark told you? Did you know
14 anything about the complaint prior to that July 22nd board
15 meeting?

16 A. No.

17 Q. Okay. So --

18 A. No.

19 Q. Okay. So were you aware of any internal
20 investigation that took place regarding the -- the complaint?

21 A. No.

22 Q. Okay.

23 A. No.

24 Q. Okay. I think that's it for the 22nd meeting.

25 A. Okay.

1 Q. And I just want to clarify just at the end that
2 you were not present during the discussions with the deputy
3 superintendent -- I shouldn't say that. You weren't aware of
4 what was exchanged between the president -- with President
5 Clark and the deputy superintendent or the chief of staff?

6 A. Well, it wasn't that I wasn't aware. I remember
7 seeing Tracy and Kristin there, but I do not remember what was
8 said.

9 Q. You don't --

10 A. I assume -- I can tell you what I assume, but I
11 could have been sitting right there at the table. I just
12 don't remember. I was right out there in the chair.

13 Q. Okay.

14 A. But I was there.

15 Q. You were there?

16 A. Yes.

17 Q. Just don't remember what was said?

18 A. No.

19 Q. Okay. And you also don't know if anything was
20 exchanged with President Clark and Deputy Superintendent
21 Martinez as to what his -- what the outcome was, if she told
22 him to, you know, leave the building or --

23 A. Superintendent Martinez.

24 Q. Yeah. What did I say?

25 A. Deputy.

1 Q. Oh, I apologize. I apologize.

2 A. (Inaudible).

3 Q. Did you guys get it? It's all these really long
4 titles.

5 A. It's ridiculous.

6 Q. So were you aware of any conversation that
7 President Clark had with Superintendent Martinez regarding the
8 outcome of his current position?

9 A. No.

10 Q. Okay. So let me ask you, when you left that day,
11 what did you think -- what did you think was going on?
12 That -- did you believe that Superintendent Martinez would be
13 back to work the next day or did you know that he was --
14 that -- kind of tell me, what did you know?

15 A. Well, I mean, my assumption was he was on leave.
16 And, you know, that's a good question. You ask what was next?
17 I don't think we had gotten to that point yet.

18 It was so chaotic, you know. That's a -- that's
19 a good question. I'm not even sure that we even knew the next
20 steps after that because it was so -- so chaotic.

21 I mean, initially, it was we need to -- you know,
22 "We need to have this at a public meeting, Pedro." But then
23 things turned so inappropriate and so unexpected, I just
24 think -- you know, we were all still in a little bit of shock
25 about the behavior, honestly. You know, just how did this go

1 down this road?

2 Q. Okay. So I'm going to jump to the July 29th
3 meeting that was held at counsel's office.

4 A. Um-hum.

5 Q. And I believe it was to discuss the lawsuit and
6 some other issues that you guys had with counsel.

7 MR. MALLOY: The word we prefer, as you might
8 guess, "gathering."

9 MS. DAVIES: Gathering.

10 MR. MALLOY: We're using "meeting" in the
11 non-open meeting law sense and just in the dictionary.

12 MS. DAVIES: Exactly.

13 MR. MALLOY: Okay.

14 BY MS. DAVIES:

15 Q. Were you aware of the statement that President
16 Clark put out on July 31st?

17 A. No.

18 Q. And I speak of the statement where she -- she
19 writes out that rather -- this is part of it: "Rather than
20 debate this complicated issue, we have agreed that last week's
21 events are void. Superintendent Martinez was never terminated
22 or fired as superintendent of the Washoe County School
23 District, and we expect him to return to work and fulfill his
24 responsibilities and duties immediately."

25 A. I read that statement on Twitter.

1 Q. Okay. So you were not aware of this statement?

2 A. That she made the statement, no. No.

3 Q. Okay. Had there been any discussion during the
4 gathering or the meeting with your counsel regarding this
5 prior? Did you know anything about it at all?

6 MR. MALLOY: Are you asking what the discussion
7 was at the gathering with Mr. Robison?

8 MS. DAVIES: Just if she had any knowledge of --
9 that the statement was going to be made.

10 MR. MALLOY: And are you asking if she gained
11 that knowledge at the meeting with Mr. Robison?

12 MS. DAVIES: Yes.

13 MR. MALLOY: And the discussions with Mr. Robison
14 is privileged.

15 MS. DAVIES: True.

16 BY MS. DAVIES:

17 Q. So the first time that you read this statement
18 was --

19 A. Was on Twitter.

20 Q. -- was on Twitter. Okay.

21 A. And I was not at that meeting the whole time.

22 Q. Okay. So if we look at it, and I just want to
23 know if you know --

24 A. Um-hum.

25 Q. -- having spoken with -- have you spoken with the

1 trustees or any of the other officers since the July 22nd
2 meeting about what's been going on?

3 A. Well, just the emotion of it, just --

4 Q. Okay.

5 A. -- you know, this is horrible.

6 Q. Okay. So do you know who President Clark is
7 referring to in this when she says "we have agreed"?

8 A. Can I --

9 Q. Absolutely. You -- yeah, you can -- it's -- I'm
10 just wondering if --

11 A. Somewhere, somewhere.

12 Q. Probably halfway down towards the right-hand
13 side.

14 MR. MALLOY: Beginning of the sentence.

15 MS. DAVIES: Yeah.

16 MS. RUGGERIO: Me and --

17 MS. DAVIES: -- and I don't want you to -- I
18 don't want you to guess.

19 MS. RUGGERIO: Um-hum.

20 MS. DAVIES: I'm just wondering if you know if
21 she's speaking of the Board or of herself and counsel, if you
22 even know.

23 MS. RUGGERIO: I don't know, but I would think --

24 MS. DAVIES: Perfect.

25 MS. RUGGERIO: You don't need --

1 MS. DAVIES: I don't want you to guess, no. No.

2 MS. RUGGERIO: Oh, okay.

3 BY MS. DAVIES:

4 Q. So then what I do want to ask you, though, if she
5 says "we have agreed that last week's events are void" --

6 A. Um-hum.

7 Q. -- if she's saying that -- what do you think --
8 what's void in the events that took place last week?

9 A. I don't want to sound dumb, but I really don't
10 know.

11 Q. Okay.

12 A. To be honest with you.

13 Q. That's fine.

14 A. Okay.

15 Q. Yeah. And like I said before, I don't want you
16 to guess.

17 A. Okay.

18 Q. If you don't know, you don't know.

19 A. Sorry.

20 Q. That's okay. Don't be sorry.

21 In reference to a court filing that was filed on
22 behalf of this office in response to a complaint on the 29th
23 of July regarding some deficiencies of Superintendent
24 Martinez, are you aware of that court filing?

25 A. I just became aware of that court filing.

1 Q. Okay. And what do you know in reference to the
2 information regarding his deficiencies, if you can share?

3 A. Like what do you mean?

4 MR. MALLOY: Are you asking her what she knows
5 about what they are?

6 MS. DAVIES: Right. Correct. What you know.

7 MS. RUGGERIO: I didn't read it.

8 MS. DAVIES: Okay.

9 MS. RUGGERIO: I'm trying not to read anything
10 because I just don't think I can handle it. I'm just staying
11 away from the media or anything. Just every once in a while,
12 I'll look at Twitter because it's least painful. So just to
13 kind of get a, you know, just maybe a little bit of what's
14 happening. But I have not read anything in detail. I plan
15 to, but at this point, I just can't.

16 BY MS. DAVIES:

17 Q. Okay. At any time during --

18 A. That sounds really irresponsible as a public
19 official.

20 MR. MALLOY: It's understandable. Don't worry
21 about it.

22 MS. RUGGERIO: I'm just trying to stay away from
23 the newspapers.

24 MS. DAVIES: I think it would -- it's almost a
25 full-time job to read it.

1 MS. RUGGERIO: Yeah, but it's not because I don't
2 want to know about it. I just think -- right now, I'm just
3 trying to take everything step by step.

4 MR. MALLOY: Give yourself a break. You'll read
5 it and see it all eventually.

6 MS. RUGGERIO: Yeah, I hear it's horrible. So --
7 BY MS. DAVIES:

8 Q. At any time during the time that Barbara Clark
9 called -- gavelled for a legal meeting to the time that Pedro
10 Martinez left the building for the final time with his
11 certificates in hand and whatnot --

12 A. Okay. This is July --

13 Q. This is July 22nd. I apologize.

14 A. Okay.

15 Q. Did you ever receive any advice from legal
16 counsel? And I don't want to know what it was, if he shared.
17 I just want to know if legal counsel gave advice to you as an
18 officer to do or not do something.

19 MR. MALLOY: So you're just asking for a "yes" or
20 "no"?

21 MS. DAVIES: Correct. Yes.

22 MS. RUGGERIO: So --

23 MR. MALLOY: The answer would be "yes" or "no."

24 MS. RUGGERIO: Yes.

25 ///

1 BY MS. DAVIES:

2 Q. So at some point during --

3 A. Just at the beginning of the meetings, he always
4 says this is --

5 Q. And, like I said, I don't want to break that
6 client --

7 A. Oh, okay.

8 Q. -- attorney/client privilege. So I don't want to
9 know --

10 A. Oh, okay.

11 Q. -- what was shared.

12 MR. MALLOY: That's why I said to make sure to
13 say "yes" or "no."

14 MS. RUGGERIO: Oh, okay.

15 BY MS. DAVIES:

16 Q. No, no, that's okay. So that's why I say at some
17 point, did he give you legal advice as an officer to do or not
18 do.

19 MR. MALLOY: You understand she's not asking what
20 the advice was, but she's only asking if advice was given.

21 MS. RUGGERIO: Yes. Just -- yes.

22 BY MS. DAVIES:

23 Q. Okay. At the beginning of the meeting?

24 MS. RUGGERIO: Am I supposed to answer that?

25 MS. DAVIES: You can answer that because you're

1 not sharing.

2 MS. RUGGERIO: Okay.

3 MR. MALLOY: You're not sharing what the advice
4 is.

5 BY MS. DAVIES:

6 Q. Yeah. I just don't want to know like the
7 conversation that he shared with you guys.

8 A. Okay. Just business as usual.

9 Q. Okay. Was that the only time that he gave you as
10 an officer any legal advice?

11 A. Well, I mean, he's always with us, so --

12 MR. MALLOY: Wait a minute. Wait a minute. Are
13 you talking about Randy Drake now?

14 MS. DAVIES: Yes.

15 MR. MALLOY: Okay.

16 MS. DAVIES: Yes.

17 MR. MALLOY: All right. I misunderstood a little
18 bit.

19 MS. DAVIES: I am only speaking of Randy Drake
20 because he was the only counsel that was there during that
21 July 22nd --

22 MS. RUGGERIO: Um-hum.

23 MS. DAVIES: -- entire event, I should say.

24 MS. RUGGERIO: I mean, I just depend on him to
25 guide me in whatever I do. So --

1 MS. DAVIES: Okay.

2 MS. RUGGERIO: Because I am new to being an
3 elected official, so I am very dependent on his guidance.

4 MS. DAVIES: Okay.

5 MR. MALLOY: And I apologize for the
6 misunderstanding.

7 MS. DAVIES: That's okay.

8 MR. MALLOY: I thought you were talking about
9 Mr. Robison.

10 MS. DAVIES: Gotcha. No, that's okay. I'm glad
11 we got that cleared up.

12 I think that's all I have. Kent just stepped out
13 of the room. He stepped out of the room probably about
14 15 minutes ago.

15 Michael, do you have any questions?

16 MR. MALLOY: I do not.

17 MS. DAVIES: Okay. Do you have any questions for
18 me?

19 MS. RUGGERIO: So, what will happen? What's --

20 BY MS. DAVIES:

21 Q. What I can tell you it's an open investigation
22 that my office is conducting. I'll continue the interviews
23 that I need to gather all my information from both sides.

24 That's pretty much what I am, a fact gatherer.

25 A. Okay.

1 Q. I put it all together. I give all of the audio
2 to my attorney. I give him all my notes and everything, and
3 then at that point, he goes through everything and makes his
4 decision on, you know, on where to go from here.

5 A. Um-hum.

6 Q. And then, you know, at that point, then I know
7 Kent, and Michael will be, you know, aware of that. And I
8 can't tell you how long.

9 We hope that this is kind of on the fast track.

10 A. Um-hum.

11 Q. But I don't know. So...

12 A. Okay.

13 Q. But obviously, you can always make contact with
14 Kent or Michael to kind of see the status and find out, and
15 they can always contact me and I, you know, I have no problems
16 like if it's still going on and I'm still doing interviews, I
17 will share that with them.

18 And if I'm done with my investigation, I will
19 share that with them as well and say, you know, my
20 investigation is complete and I've handed it off to my
21 attorney.

22 A. Um-hum.

23 Q. And then at that point, you know, then it just
24 goes from there. So --

25 A. Okay. Thank you.

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MS. DAVIES: You're welcome.

Any other questions?

MS. RUGGERIO: No.

MS. DAVIES: Okay. So what I'll do is go ahead
and end the interview.

The time is approximately 1:59 p.m. It is
August 5th, 2014, and I'm going to stop the recording.

(Proceedings concluded.)

Exhibit 8

Exhibit 8

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
RENO, NEVADA

TRANSCRIPT OF ELECTRONICALLY-RECORDED INTERVIEW

DAVE AIAZZI
AUGUST 4, 2014
RENO, NEVADA

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1 RENO, NEVADA, MONDAY, AUGUST 4, 2014, 3:32 P.M.

2 -o0o-

3
4 MS. DAVIES: Today is August 4, 2014. The time
5 is approximately 3:32 p.m. This is an interview taking place
6 at the law offices of Kent Robison at 71 Washington Street in
7 Reno.

8 Present in this interview is myself,
9 Jennifer Davies, deputy chief investigator, Michael Malloy and
10 Washoe County School District trustee Dave Aiazzi. And the
11 spelling is A-I-A-Z-Z-I; is that correct?

12 THE WITNESS: Correct.

13 MS. DAVIES: Okay. Also in the interview is
14 Kent Robinson who at this moment has stepped out of the office
15 to return shortly.

16 BY MS. DAVIES:

17 Q. Dave, you realize that I'm tape recording this
18 interview; correct?

19 A. I do.

20 Q. Okay. And I have your permission to do so?

21 A. Yes, you do.

22 Q. Okay. And I'm going to go ahead and put this a
23 little bit closer to you, if you can go ahead and project your
24 voice --

25 A. Annunciate a little?

1 Q. Yeah, if you need to yell at me, please do, I
2 won't take offense so that we can get it on the record.

3 What I want to do is if you can just give me kind
4 of an idea of what happened on July 22nd from the start to the
5 end of the day and then we'll kind of break it down from
6 there.

7 A. Okay. I got to the school district offices
8 because we had a meeting about BoardDocs, which is a software
9 package that we use. So, we go through that meeting and then
10 at about 1 o'clock I think it was Barbara Clark, president,
11 comes in and says we're going to have a legal briefing now.
12 Everyone else leave the room.

13 So, everyone left and in the room were the
14 trustees except for Estela Gutierrez, Pedro Martinez and the
15 attorney Randy Drake.

16 And Barbara brought up -- told us that she had
17 gotten this anonymous tip that she had heard something about
18 the CPA licensure of the superintendent. She had been
19 investigating it for two weeks with the attorney and with the
20 auditor and thought that it deserved attention to bring to the
21 board to see what we should do with that. Whether we should
22 head with that to a public meeting or not.

23 So, Pedro was in the room, she brought up all
24 these things, gave Pedro a chance to respond, he responded
25 that he didn't think it was a big deal. He said excuse me,

1 I'll go out and bring you my diploma. So he went to his
2 office, we were in the board room at the time.

3 And so while he was gone we had some discussion,
4 I asked Randy Drake particularly whether we could have this
5 discussion here today. He said as long as it's -- we feel
6 that there's going to be some action taken against the
7 superintendent it will probably involve a lawsuit. So we are
8 talking potential litigation. And as long as we only talk
9 about this issue, it won't be about his character or conduct,
10 it's about this one thing that we have to see where we're
11 going to proceed.

12 Q. And if I can interrupt you.

13 A. Certainly.

14 Q. You're talking about the one thing is the CPA --

15 A. CPA.

16 Q. -- issue?

17 A. Correct.

18 Q. Okay.

19 A. The statements of facts or not I guess is what
20 you might call it.

21 So, Pedro leaves the office, I have the
22 conversation with Randy Drake. He comes back with his diploma
23 and we discuss a little bit, have some conversation of what
24 that means and what his diploma means as opposed to what the
25 Illinois State law means. And so Barbara Clark then asked

1 Pedro to leave the room. And he does leave the room. And we
2 tell them well, that seems like something like the three, the
3 president, the vice president and the clerk should go in and
4 talk to Pedro about it. Because we feel we should take it out
5 to a public meeting. This is enough to where okay, let's --
6 let's agendize this and put it on public record.

7 So they go back and speak to Pedro, I think Randy
8 Drake also went with them to that meeting. They come back and
9 during the day there was a couple different back and forth. I
10 never went into the meeting with Pedro so I don't know what
11 was said in those meetings, I don't remember how many times it
12 went back and forth.

13 It came back to us that Pedro was willing to
14 resign if he got his three months and one year that's in his
15 contract, that he was willing to do that.

16 And so there was -- I'm not sure how that's
17 classified, but we had a little bit of discussion about
18 whether we wanted to pay him off or not knowing full well that
19 we couldn't make a decision then, it still had to be public,
20 we had those discussions.

21 Then they went back again one time, the three
22 officers, Barbara Clark, Barbara McLaurry and Lisa Ruggerio.
23 And they came back and told us basically his attitude is such
24 that we don't feel he can be here any longer today and keep
25 running the district today. He's agitated, he's calling

1 everyone, he's doing this. That's what they told us, I have
2 no idea what really happened in that office, that's what they
3 told us.

4 Q. Right.

5 A. So Barbara Clark just sort of said we think he
6 needs to go today. Then she sort of took the temperature of
7 the room. Not a vote, just what do you think, what do you
8 think, what's the temperature of the room to do that.

9 And I -- my feeling is everyone sort of said
10 you're the president, you feel -- handle it the way you feel
11 it should be handled. Let me go backwards a little bit.
12 There's one more important step in there.

13 At one point the other trustee called in
14 Estela Gutierrez. She was told what was happening, she was
15 discussing the contract terms perhaps about whether something
16 would happen or not. And so she was involved in those
17 conversations. Then she hung up, she was on the phone,
18 Barbara Clark had her on her speakerphone or her iPhone, so
19 we're all listening there.

20 Q. Okay.

21 A. So the officers went back, talked to Pedro about
22 that. Told him he -- Barbara I'm assuming, someone told him
23 he had to leave immediately. And he left. There was no
24 instruction of making -- escorting him out or anything, he
25 left. So he was out of the building right then.

1 Someone said let's go into Pedro's office and
2 have this discussion, I think it was because it was a little
3 more private than the big board room we were in. So we all go
4 into Pedro's office with Randy Drake. Again, Estela Gutierrez
5 wasn't there but the rest of the trustees. And Pedro comes
6 back after about 20 minutes and comes into the office.

7 They -- a police officer showed up, I think one
8 of the trustees called them and I told him to leave, we didn't
9 need that right then. The other trustees went out because
10 there was a meeting with the upper management of the district
11 at the time, so they went out to go talk to them and tell them
12 what was happening and I stayed there and spoke with Pedro.

13 Q. Okay.

14 A. Randy Drake was also there, I think Lisa Ruggerio
15 came in and out a couple of times, some of the other trustees
16 might have come in and out. And we were discussing about
17 taking this public. I said, you know, Pedro, you're going to
18 have to take this to a public meeting. He says well, I have
19 to talk to my attorneys. He grabbed some stuff out of his
20 desk, grabbed some stuff off the walls and went home. That's
21 pretty much what happened.

22 MR. MALLOY: On the 22nd?

23 MS. DAVIES: On the 22nd, that's all we're
24 talking about right now.

25 THE WITNESS: Yes.

1 BY MS. DAVIES:

2 Q. Okay. So to back up a little bit and we'll speak
3 only of the 22nd, the -- the initial time that all of the
4 trustees were together after the computer --

5 A. Right.

6 Q. -- after that --

7 A. BoardDocs.

8 Q. -- BoardDocs training. And did President Clark
9 at the time tell the trustees that this was why she wanted to
10 have this meeting, it was in reference to the CPA issue?

11 A. She just came in and said we're going to have a
12 legal briefing. I had no idea what it was about because she
13 didn't say what it was about until everyone left the room and
14 we began the briefing. And then she told us what it was
15 about. But I got the feeling that no one in the room even
16 knew anything about it prior to that moment.

17 Q. Okay. Had you known anything prior to that
18 moment?

19 A. No, not about this issue at all.

20 Q. Okay. So up until that moment that she said we
21 have an issue with Superintendent Martinez's CPA certificate
22 or license, you knew nothing about it?

23 A. Correct.

24 Q. Okay. At that point then the discussion you --
25 you -- the board members, the trustees have a discussion

1 amongst themselves and then the officers leave to go talk with
2 Pedro and you're not part of that --

3 A. Correct.

4 Q. -- meeting? Okay. And then I'm just trying to
5 recap for my own brain.

6 Then they come back and at that point, is that
7 when the rest of the trustees were informed that Pedro had
8 said that I'll leave with, you know, the severance package
9 from my contract --

10 A. Yes.

11 Q. -- basically. Okay.

12 A. Once he left -- once Barbara Clark asked him to
13 leave the board room, that's the last time I saw Pedro until
14 he returned later that day.

15 Q. When you had your conversation --

16 A. So then that whole -- that whole discussion we
17 never saw him again, the three -- the three officers did, but
18 we never did.

19 Q. Okay. And Estela Gutierrez was present during
20 part of that negotiation meeting when the board was talking
21 about a severance package by phone; correct?

22 A. Correct.

23 Q. Okay. Okay. Was there any sort of definitive
24 decision or vote that was ever done between the trustees to
25 say this is what we'll offer him, how was that discussion

1 between the trustees made?

2 A. I think it was more again with Barbara Clark
3 listening to everyone's input and taking back what she thought
4 it was at the end of the day.

5 Q. Okay. Do you -- was it Barbara Clark who would
6 go back and forth with the proposal to Pedro?

7 A. Sometimes I believe it was the attorney.

8 Q. Okay.

9 A. And other times it was Barbara. I'm honestly not
10 sure about how many times. Like I said, they went back and
11 forth and who went back and forth. Sometimes it was just the
12 attorney.

13 Q. Okay.

14 A. Randy Drake.

15 Q. Okay. Were you ever present during a -- a
16 meeting, I shouldn't say meeting, but were you ever present
17 when President Clark spoke with Deputy Superintendent Tracy
18 Davis about the decision or the events that had just taken
19 place?

20 A. No.

21 Q. Okay. Were you present during when President
22 Clark met with Chief of Staff Kristin McNeel to tell her about
23 the events that had just taken place?

24 MR. MALLOY: I'm glad you said the events just
25 had taken place because your other question said the decision.

1 MS. DAVIES: Yes.

2 MR. MALLOY: And I think that's the ultimate
3 issue --

4 MS. DAVIES: The events that took place.

5 THE WITNESS: I -- I overheard something in the
6 hallway when we were talking. So I heard something.

7 BY MS. DAVIES:

8 Q. Okay. Do you remember what part of that
9 conversation, what did -- what did you hear?

10 A. I heard her say something to the effect of you're
11 not taking orders from Pedro today anymore, you're going to
12 report to me.

13 Q. Okay. Were you present during when -- were you
14 present when President Clark informed the leadership team of
15 the events that had just taken place?

16 A. No. When they were there that's when I was in
17 the office speaking to Pedro.

18 Q. Okay.

19 A. So they went there and I was talking to Pedro at
20 that time.

21 Q. Okay.

22 A. I never even went in the room with the leadership
23 team.

24 Q. Okay. And were you present when President Clark
25 gave her statement to the media about the events that had just

1 taken place?

2 A. The press conference you mean?

3 Q. Yes.

4 A. Yes, I was there.

5 Q. Okay. Do you remember what President Clark said
6 during that -- that press conference?

7 A. I read the statement afterwards. Yeah, I
8 remember that, I remember she said one thing I wish she
9 wouldn't have said.

10 Q. Which was what?

11 A. When someone asked about what's the process for
12 hiring a new superintendent. That was nothing that was ever
13 discussed at all by the rest of the trustees. That's
14 something she just pulled out of the air.

15 Q. Okay. And what was her response?

16 A. I don't remember the exact response. It was
17 something that well, we'll have to go looking and, you know,
18 go through the regular process or something like that.

19 Q. Okay. So, when -- when that press conference was
20 going on I -- I believe I just watched it this morning, there
21 was a question about the process and her response, President
22 Clark's response was about an interim -- an interim
23 superintendent, you know, that how they were going to go about
24 it.

25 That was never discussed amongst any of the

1 trustees?

2 A. I think the question I was referring to was to
3 replace Pedro.

4 Q. Okay.

5 A. Because we hadn't discussed replacing him at all.

6 Q. Okay.

7 A. Because we didn't think he was fired at that
8 point to me, we hadn't discussed that either.

9 Q. Okay. So is it your -- is it your opinion that
10 at that time when the press conference was taking place that
11 Superintendent Martinez was temporarily relieved of his duties
12 or was it a permanent?

13 A. Temporarily. I believe that the press release
14 was a mischoice of words that people misunderstood. And what
15 I've been likening it to is from my time on the city council,
16 whenever there's an officer involved shooting he's always
17 relieved of duty.

18 Q. Correct.

19 A. And -- but until the investigation is done and
20 hopefully it's back into -- so that's my take on it.

21 Q. Okay.

22 A. But usually they always say relieved of duty with
23 pay or something to really reinforce that he hasn't been
24 terminated.

25 Q. Okay.

1 A. So that's what I took from that turn phrase.

2 Q. Okay. So then Pedro leaves you said for
3 approximately 20 minutes or so, time is not that big of an
4 issue, and then returns and the trustees are in his office.
5 And that is when you had a conversation with Pedro?

6 A. Correct.

7 Q. Okay. Can you go into a little bit more detail,
8 do you remember exactly what that conversation, what was said?

9 A. I think it was more of a continuation of, you
10 know, we're going to have to take this public, we're going to
11 have to do this. He was talking about well, if you give me
12 the 12 months and three months I'll be happy to leave. That
13 was kind of what it was. It was just him and I talking about
14 terms of his leave.

15 Q. Okay. Did you ever mention -- did you ever say
16 to him -- to Pedro that -- that he should really consider
17 taking the severance package?

18 A. I'm not sure which severance package you're
19 referring to.

20 Q. Okay. So, it would be the severance package
21 that -- actually let me back up a little bit.

22 Is it your understanding that he came back to the
23 board with a proposal or a severance package that he would
24 agree to -- to leave if the board agreed to -- to honor?

25 A. That's my understanding.

1 Q. Okay. And at that point then, is that when you
2 made comment that this would be something that would have to
3 be done in a public hearing?

4 A. Of course.

5 Q. Okay.

6 A. And again, I -- to my previous -- I likened it to
7 at that point labor negotiations where you negotiate in
8 private but any final action has to be taken in public.

9 Q. Okay. So then in reference to that request for a
10 severance package did you discuss with Pedro that that's
11 something that he should really consider taking, that he
12 should consider, you know, what it's going to do to his
13 family? Did you have any sort of a deeper conversation with
14 him about possibly the -- the ramifications --

15 A. I think it was just nothing much deeper other
16 than, you know, this will be public.

17 Q. Okay.

18 MR. MALLOY: Are you cold? Is it freezing in
19 here?

20 MS. DAVIES: It's getting cooler.

21 THE WITNESS: Can you check the thermostat.
22 There it is right there.

23 MS. DAVIES: Right. He's the only one I think
24 who knows how to work it.

25 THE WITNESS: Are you cold now?

1 MR. MALLOY: I didn't say that.

2 MS. DAVIES: So, I'll make a note on the record
3 that Kent Robinson just entered the room for the first time
4 during this interview.

5 BY MS. DAVIES:

6 Q. Were you aware of any -- anything that was
7 conducted by the trustees or the officers to either prove or
8 disprove the allegations regarding this CPA issue?

9 A. The initial conversation the attorney Randy Drake
10 was just telling us that in Illinois it's a violation of law
11 to do this. And that's where the discussion came up on okay,
12 there's enough information to take this to a public meeting.

13 Q. Okay.

14 A. So there was just that much, there wasn't a whole
15 lot.

16 Q. And when you say to do "this," what do you mean?

17 A. To have a meeting to discuss -- to discuss this
18 in public. There's a lot of complaints about people all the
19 time and you want to make sure it has some validity I think
20 before you put it into the public and make sure there's
21 something to the complaint.

22 Q. Okay. And that it was at that point that then it
23 was a discussion that this should be made public --

24 A. Absolutely.

25 Q. -- at that time? Okay. And it's my

1 understanding just from previous trustees and officers that as
2 a trustee or an officer you're given a stipend for your cell
3 phone or your internet usage for e-mails, computer stuff; is
4 that correct?

5 A. Correct.

6 Q. Okay. And do you accept that type -- do you have
7 that -- do you accept that statement?

8 A. Yes.

9 Q. Okay. So do you have occasion -- on occasion do
10 you text message or make phone calls to other trustees
11 regarding, you know, board meetings or work purposes?

12 A. Yes.

13 Q. Okay. And do you have on occasion -- have you
14 had on occasion used either your cell phone to make calls or
15 text messages to Superintendent Martinez?

16 A. Very rarely.

17 Q. Okay. But it has happened?

18 A. Yes.

19 Q. Frequently or infrequently, but it has happened?

20 A. Yes.

21 Q. Okay. How often would you say you discuss public
22 business with other trustees on your cell phone or by e-mail?

23 A. Well, I'll give you the rundown. I hardly ever
24 speak to three of them. More so with Lisa Ruggerio, a lot
25 less with Howard and few or less with the rest of them.

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Q. Okay.

A. I will tell you that I've never spoken at all with John Mayer about anything coming up or -- or -- Barbara McLaury only a few times, Estela hardly ever, maybe once in two years.

Q. And that's how long you've been a trustee?

A. Two years in January.

Q. Okay. Okay. So, let's jump ahead to July 29th, and that was when there was a -- a meeting regarding the lawsuit with some of the trustees and the officers with legal counsel.

A. Is that the one we had here?

Q. So you were present during --

A. Yes.

Q. -- that? Okay. Were you -- I just totally just lost my entire train of thought. Oh, good. See, I'm not the only --

MR. MALLOY: That happens. As you get older it gets worse.

BY MS. DAVIES:

Q. During that -- that meeting regarding the lawsuit, were you aware of a statement that was made, a written statement that was made by President Clark regarding -- I'm trying to carefully pick my words -- regarding Pedro Martinez returning to work?

1 A. I was aware that the president was working on
2 something.

3 Q. Okay. Were you -- were you part of that kind of
4 work product or was that simply something that President Clark
5 did?

6 A. I know at one point in the meeting Kent took the
7 officers out of here and they might have had that discussion
8 there.

9 Q. Okay. Did you read the statement or did you hear
10 about the statement in the media?

11 A. Yes, I heard about it.

12 Q. Okay. Had you read it prior to --

13 A. No.

14 Q. Okay. So the first time that you were made aware
15 of the statement was in the media?

16 A. I knew there was going to be a statement, but I
17 didn't know the wording of it.

18 Q. Okay. Did you know what prior to learning or
19 reading about it in the -- with the media, were you aware of
20 what the outcome of that statement was going to be in terms of
21 that -- that they were taking about -- that President Clark
22 had talked about the actions of the previous week were void
23 and that -- I'll say that Superintendent Martinez was never
24 terminated or fired as superintendent of Washoe County and
25 they expected him to return to work?

1 MR. ROBISON: I do not want you to get into
2 anything that I said or any of the other attorneys said at
3 that meeting.

4 MS. DAVIES: No.

5 THE WITNESS: I was hoping that's what he would
6 say.

7 MS. DAVIES: Okay.

8 BY MS. DAVIES:

9 Q. In reference to the -- the court filing that I
10 had spoken about where there's a court filing that was filed I
11 believe on July 29th regarding supposed deficiencies of Pedro
12 Martinez, are you aware of that?

13 A. I'm aware of a final.

14 Q. Okay.

15 MR. MALLOY: Is that the right days?

16 MS. DAVIES: I will double-check.

17 MR. MALLOY: I thought you said the 31st.

18 MS. DAVIES: But I believe so.

19 MR. MALLOY: It wasn't the 31st. I mean, I
20 thought we had said that before. Maybe it was the 29th. Or
21 even the 30th.

22 MS. DAVIES: I was going to say this is -- let me
23 show you that.

24 MR. MALLOY: The final meeting by Mr. Robinson.

25 MS. DAVIES: There is a motion for extension of

1 time to file.

2 MR. ROBISON: Yeah.

3 MS. DAVIES: Okay. So it was -- it was
4 July 29th.

5 MR. MALLOY: Okay.

6 BY MS. DAVIES:

7 Q. So were you aware of the -- the court filing?

8 A. I'm aware there was a filing.

9 Q. Okay.

10 A. I have never read it.

11 Q. Okay. Were there any discussions about the
12 deficiencies that were -- that are alleged for Superintendent
13 Martinez with you and other trustees?

14 A. When?

15 Q. At -- on this date or any other date prior?

16 A. Well, I don't really know all the details in
17 there because I don't read the newspaper anymore as you can
18 imagine. I asked Randy to forward me all of the documents
19 last Friday, but I haven't read them yet, so I don't know all
20 that's in there.

21 Q. Okay. Did you have any conversations with any of
22 the trustees about the -- the alleged deficiencies at any
23 time?

24 A. I'm not sure which ones those would be.

25 Q. Okay.

1 A. If you listed them I may.

2 Q. And I will tell you I haven't read --

3 A. I may have on some of them, but I don't know what
4 they all are.

5 Q. Okay.

6 MS. DAVIES: I think that's all I have. Those
7 are all the questions that I have for you. Michael or Kent,
8 do you have anything that you want to add?

9 MR. ROBISON: I do not.

10 MS. DAVIES: Okay. So what I would ask is that
11 you don't discuss anything that took place in the interview,
12 any of our questions, responses with anybody outside of this
13 interview until after our investigation is complete.

14 And so at this time I would go ahead and end our
15 interview. It is approximately 4:03 p.m., and it is
16 August 14th, 2010 -- no, 2014, August 4th, 2014.

17 (Proceedings concluded at 4:03 p.m.)

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Exhibit 9

Exhibit 9

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
RENO, NEVADA

TRANSCRIPT OF ELECTRONICALLY-RECORDED INTERVIEW

KRISTIN MCNEEL

AUGUST 1, 2014

RENO, NEVADA

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1 RENO, NEVADA, FRIDAY, AUGUST 1, 2014, P.M. SESSION

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4 MS. DAVIES: Today is August 1st, 2014. This is
5 an interview taking place at the Reno office of the attorney
6 general with myself, Jennifer Davies, Deputy Chief
7 Investigator, and Chief of Staff for the Washoe County School
8 District Kristin McNeel.

9 Kristin, you know that I'm tape recording this;
10 right?

11 THE WITNESS: Yes, I do.

12 MS. DAVIES: And I have your permission; correct?

13 THE WITNESS: Yes, I do.

14 BY MS. DAVIES:

15 Q. Perfect. So just a couple quick questions in
16 reference to obviously everything surrounding Pedro Martinez.
17 And if you can just give me a little bit of history on what
18 your day -- what happened on July 22nd of this year.

19 A. Sure. So we started off the day in what we
20 typically call a work session, and that's -- you know, we have
21 different items on the agendas. You know, it can be for -- if
22 we have to explain something in larger depth, like for
23 example, in March, we had a two-day budget work session.

24 Q. Okay.

25 A. So typically, they're longer than a typical board

1 meeting.

2 Q. Okay.

3 A. But it allows the trustees time to discuss things
4 in much more detail than they would in a normal board meeting.
5 So we had several agenda items.

6 Q. Okay.

7 A. So we started off the meeting with an ethics
8 training, and then we went into -- what was the second item on
9 the agenda?

10 Q. That's okay. There was something else.

11 A. Yeah, there were like two or three items.

12 We had the governance manual. We were going to
13 talk about events in the afternoon, and then we had a Board
14 policy meeting, which was on a separate agenda. So we had
15 basically two agendas for the day.

16 Q. Okay.

17 A. And so we had gone through the ethics training.
18 We took a little bit of a break, came back, and then we went
19 into the second part of that day. And I can't -- it's -- it's
20 bothering me I can't remember. We had three items on the
21 agenda, but now I can't remember what it was.

22 It was ethics training. We had the governance
23 manual.

24 Well, anyways, it was around like 11:30ish,
25 somewhere around that time. President Clark walked in.

1 There weren't many staff at that point in time.
2 There was more staff at the ethics training.

3 Q. Okay.

4 A. And then more staff left, and then we started the
5 second part of the agenda. And President Clark walked in and
6 said they were going into a legal meeting there for the -- all
7 staff needs to leave.

8 Q. Okay.

9 A. So, I got up and went out and went up to my
10 office --

11 Q. Okay.

12 A. -- and just started to get some work done.

13 Q. Okay. So you weren't part of that legal meeting
14 at all?

15 A. No, I am not supposed to be part of that legal
16 meeting.

17 Q. Okay.

18 A. Typically it's just the trustees and their
19 attorney and, obviously, the superintendent.

20 Q. So, obviously, you were aware that there was a
21 School Board meeting that took place on the 22nd?

22 A. Yes, yes. We had a work session agendized.

23 Q. Okay. Did you -- do you know typically in
24 advance of items that are on the agenda? Do you see the
25 agenda prior to it being posted for --

1 A. Oh, yes.

2 Q. -- the public?

3 A. Yes. Yes. My office works very closely with the
4 legal staff in setting up the agendas.

5 My office is actually in charge of posting those
6 agendas to make sure that we're on time for the posting.

7 Q. Okay. Do you know which trustees were in
8 attendance for the board meeting or were any of them, all of
9 them?

10 A. For -- well, they came -- there were some that
11 were present for the ethics, and then there was some that was
12 present for the second item. And then the only one that
13 wasn't present for the entire day was Estela Gutierrez.

14 Q. Okay. Perfect.

15 And typically, on an agenda -- you said your
16 office posts them. Would you have seen and reviewed an agenda
17 that was being, you know, placed, whether it be for the 22nd
18 meeting or any meeting prior or even in the future?

19 A. Yes.

20 Q. Okay. So you would be aware of the items on that
21 agenda that were listed for discussion, were listed for
22 possible action?

23 A. Correct.

24 Q. Okay. And was there an agenda item on the
25 July 22nd that made notice that the Board was going to

1 discuss -- whether it be have discussion or take possible
2 action on Superintendent Pedro Martinez?

3 A. No, there was no item like that.

4 Q. Okay. Prior to the July 22nd meeting, were you
5 aware of any allegations regarding Superintendent Pedro
6 Martinez -- about his character, any alleged misconduct, his
7 professional competence --

8 A. No.

9 Q. -- anything?

10 A. (No audible response.)

11 Q. Okay. Just a follow-up to that. Were you aware
12 of any sort of investigation that took place in reference to
13 Superintendent Martinez that would have been done internally
14 within --

15 A. No. My office is not connected with that.

16 Q. Okay. So let's fast forward a little bit.

17 So you're in your office doing your work. Do you
18 go back to the board meeting? Do you -- kind of take me
19 through what happens now.

20 A. So we had scheduled a Board policy. And so we
21 had staff starting to line up because, you know, they needed
22 to know if their policies were going to come up for
23 discussion, and that's in the second meeting of the day.

24 So the clock was ticking, and I was getting a
25 little concerned. And then it was probably I want to say

1 around -- I think around 2, 3, somewhere like that, maybe
2 around -- closer to 2. My -- my executive assistant came up
3 and said, "We're going to cancel Board policy."

4 Q. Okay.

5 A. And, you know, I was, what's going on? Why would
6 we cancel Board policy? And then it was shortly after that
7 time Mr. Martinez called me down to his office. And I want to
8 say that was probably closer to 3.

9 And he had -- he had walked out of his office.
10 So he has his office and then our office, and so I was sitting
11 here in the couch area, and he walked out and he said, "The
12 Board is trying to get me out of my contract. I need you to
13 go down and talk to Jason Trevino," our interim school police
14 chief.

15 So I went to go talk to Jason, and I came back
16 from that, and I tried to get in to the office to the -- he
17 has two doors in his office.

18 Q. Okay.

19 A. So I tried get in this one, and it was locked.
20 And there were three trustees in the hallway, and they said,
21 "Kristin, come here," and so I turned around, and it was
22 President Clark, Trustee Ruggiero and Trustee McLaury. And
23 they said, "Follow me." So I followed them and went down the
24 hallway into the board room.

25 Q. Okay.

1 A. Walked into the board room, and the other six
2 trustees were in there, and I believe Randy Drake was in
3 there, our chief legal counsel, and I want to say our chief
4 communications officer, Eileen Payne. But that may have been
5 the next phase of this.

6 So I walked in, leaned against the wall, and they
7 said, "You no longer report to Pedro. He's no longer your
8 superintendent."

9 Q. Okay. You think this was probably late in the
10 afternoon, 3 o'clock-ish?

11 A. Yes.

12 Q. Okay.

13 A. Yeah.

14 Q. Who told you that you no longer report to Pedro?

15 A. Barbara Clark.

16 Q. Okay. And was that -- is that as you remember
17 what she said to you? Is that as clear and almost exact --

18 A. Yes. "You no longer report to Pedro. He's no
19 longer your superintendent."

20 Q. Okay. Did she ever say that Superintendent
21 Martinez was fired?

22 A. No, she never used that word.

23 Q. Okay. Did she ever say that Superintendent
24 Martinez was being placed on administrative leave?

25 A. No, she never said that.

1 Q. Okay. Just simply that you no longer report to
2 Pedro, that he's no longer the superintendent?

3 A. Yeah. And I think -- and, you know, there's been
4 so much that goes on. I mean, I know in their -- in their
5 statement that they put out, they said "relieved of duties."

6 And I do know that she -- so after that, then
7 Tracy Davis and I were summoned into Mr. Martinez's office,
8 and he had already left the building.

9 Q. Okay.

10 A. So the two of us were summoned into his office by
11 the Board. It was a phone call from the secretary to tell
12 Tracy and me to come down into the office.

13 So we walk in, sit down. So -- like there's two
14 of us sitting here and the rest of the trustees, you know,
15 were kind of sitting, standing. Eileen Payne was there, and
16 legal counsel was down at the very end --

17 Q. Okay.

18 A. -- in that room.

19 And Barbara Clark again stated that "Pedro's no
20 longer your superintendent," and I think at that time, she
21 said, "Relieved of his duties as" -- "immediately, and you two
22 are being appointed as co-managers, Tracy over academics,
23 Kristin over operations."

24 It was at that point in time that Trustee Aiazzi,
25 "Well, let's wait," and he said something like "If they want

1 don't want to step up" or "Let's give them some time," you
2 know, to basically process what was happening.

3 Q. Okay. In relation to you and Tracy --

4 A. Right.

5 Q. -- accepting those extra duties?

6 A. Right.

7 Q. Okay.

8 A. And obviously, you know, we're going to step up.

9 We have work to do.

10 Q. Sure.

11 A. And so we said okay. We were basically
12 dismissed, and then they had to -- you know, we just went back
13 up.

14 Then I got an e-mail -- all of us did on the
15 leadership team. We got an e-mail that said something like:
16 Be down in the board room at 4:30.

17 Q. Okay.

18 A. And then -- so all of leadership was in the
19 meeting, and President Clark did the talking. The -- Trustee
20 Rosenberg was here sitting at the table, and I think Trustee
21 Mayer and McLaury were there. I don't remember Trustee Aiazzi
22 or Trustee Ruggerio at that meeting with leadership, and they
23 told leadership that Pedro was no longer our superintendent,
24 that he had been relieved of his duties, and that reporting,
25 the co-manager for a period of time was here and here.

1 Q. Okay. So what was your impression of the
2 information that you had received from President Clark
3 regarding the events that kind of took place?

4 A. My impression?

5 Q. Did you believe that -- that the decision that
6 the Board and the trustees made, was that a permanent
7 decision? Did you think that it was a temporary decision?

8 A. No, we were all pretty much on the same page that
9 this was a permanent decision.

10 Q. Okay.

11 A. There was no -- you know, I think the word they
12 used just for our two positions: "In the short term." But it
13 was pretty clear to all of us that it was final.

14 Q. Okay. So it was President Clark -- or I should
15 say: Was it President Clark that told you that you and Tracy
16 Davis would be co-managers?

17 A. Yes.

18 Q. Okay. And were you told just verbally? Were you
19 told in writing? Was there any sort of follow-up after that
20 meeting?

21 A. Well, they sent out a connect end to all the
22 families.

23 Q. Correct.

24 A. They sent out an e-mail, so that was in writing.
25 They sent out a media release, so that was in writing.

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Q. Okay.

A. So that was --

Q. Okay.

A. -- basically it.

Q. Did President Clark give you any sort of instructions on what your future duties would be? Did she tell you or was that something that you guys --

A. Somebody had requested that Tracy and I outline what our responsibilities are, and then with were to meet with her on that -- let's see. This was Tuesday. I think on Wednesday.

We had a meeting calendared with her, and she also wanted -- President Clark also wanted Trustee McLaury in that meeting. And then Tracy and I had discussed -- we wanted to wait and see what was going to happen because this was before the July 29th board meeting.

Q. Okay.

A. So we wanted to wait.

I called up President Clark because this was during the time when we were trying to set the agenda for July 29th, and they weren't quite sure what was going to be on that agenda.

Q. Okay.

A. So I talked to President Clark and I said, "Tracy and I would like to postpone this meeting," so we actually had

1 our meeting calendared for this Friday -- or this Monday,
2 August 4th at 4 o'clock. And that was going to be with myself
3 and Tracy and then Trustee McLaury and President Clark.

4 Q. And obviously, with the recent events that
5 Superintendent Martinez has come -- had started work back
6 today, which -- August 1st --

7 A. Right.

8 Q. -- then that meeting scheduled for the 4th --

9 A. I've taken it off my calendar.

10 Q. Okay. Did Pedro -- just backtracking a little
11 bit, did Pedro, when he called you down the very first time
12 and said that they were trying to get him out of his contract,
13 did he ever -- was he ever specific about that: They just
14 fired me, you know, I'm no longer employed, or did he say
15 anything else other than --

16 A. Yeah. Well, the purpose of my visit down there,
17 the school chief of police reports directly to the
18 superintendent.

19 Q. Okay.

20 A. And that's by NRS. And they were -- from my
21 understanding were asking our interim chief of police to
22 escort Pedro out.

23 Q. Okay.

24 A. And so my direction from Pedro was: Go down and
25 tell Jason he is not to do that because I'm still

1 superintendent and, you know, he can't -- he can't do that.

2 That was during the time -- there was just a lot
3 of like traffic in and out, you know.

4 Q. I'm sure.

5 A. Like with chief legal counsel coming in and staff
6 coming in, and it was just -- it was craziness --

7 Q. Oh, I'm sure.

8 A. -- down there, so --

9 Q. Okay. Did President Clark ever give you strict
10 instructions to not speak with Pedro any longer?

11 A. After that day?

12 Q. Yeah, like after that meeting that she said:
13 He's no longer, you know, superintendent. You don't report to
14 him, did she ever tell you you're not to have any
15 communication with Pedro?

16 A. That was never told verbally to me.

17 Q. Okay.

18 A. No.

19 Q. Have you spoken to Pedro about the decision that
20 was made by the Board since the July 22nd meeting?

21 A. Yes.

22 Q. Okay. And what did you guys share?

23 A. Just basically it didn't make sense, and we
24 didn't know what was happening. And Tracy and I felt that it
25 put the District at tremendous risk, and we weren't really

1 quite sure what to do at that point in time.

2 Q. Okay.

3 A. And it was also -- because as typical, when
4 there's a vacuum, people want to kind of jump in and say:
5 Well, I had this meeting, and he agreed to this or he agreed
6 to this. And so we wanted to make sure, you know: Did you
7 agree to this before we're sitting here in these seats saying:
8 Okay, yes. Press forward.

9 Q. Right.

10 A. So a lot of those conversations were
11 clarification-type things. But some of it was around: I
12 can't believe this is happening; you know, what's going to
13 happen? We don't understand. You know, staff is upset, those
14 types of things.

15 Q. Okay. Did you know anything more than what's
16 been shared prior to the July 22nd meeting about this
17 anonymous complaint that came in regarding Pedro's CPA
18 certificate, slash, license?

19 A. No, I mean -- I think -- I know I did get the
20 majority of my information from the newspaper articles and the
21 news.

22 Q. Okay. But you had never heard any rumblings
23 throughout the office that there was --

24 A. No.

25 Q. -- this anonymous complaint?

1 A. Hum-um.

2 Q. And do you have any idea -- since, have you heard
3 as to its validity or anybody specific who might have -- who
4 might have turned it in?

5 A. Well, I know it went through our internal auditor
6 because it was reported in the paper that way. But there was
7 no -- you know, my office doesn't deal with that, so --

8 Q. Okay. There was a comment made by Trustee
9 Rosenberg that he mentioned in the media that: This goes much
10 deeper -- the issues go much deeper than the CPA issue.

11 Do you have any idea what he was referring to or
12 what he was talking about?

13 A. I didn't know what he was referring to. You
14 know, and then I guess like the next day is when -- the next
15 day or two days -- I think it was two days later when they
16 were countersued or counter stay of action, whatever you want
17 to call it, came out with their issues.

18 Q. Okay.

19 A. Which it was.

20 Q. Okay.

21 A. But, yeah, that was -- I had no idea what he was
22 talking about.

23 Q. Okay. Are you given a District cell phone for
24 work purposes to conduct work, business?

25 A. No, we get stipends.

1 Q. Okay.

2 A. We get stipends for it.

3 Q. And how does that work?

4 A. So we get -- you have a form that you can fill
5 out depending on how many minutes you need a month.

6 Q. Okay.

7 A. You get a certain amount of --

8 Q. Like a reimbursement?

9 A. Yeah.

10 Q. Okay. So then do you use your own personal cell
11 phone for work purposes?

12 A. Yes.

13 Q. And then you get reimbursed for a percentage of
14 that?

15 A. It's a state -- it's a set amount every single
16 month. So like 30 or 40 dollars for every single month. But
17 you sign up. Your supervisor has to approve how much you get.

18 Q. Okay. Okay.

19 A. And it's based on like the number of minutes.

20 Q. Got you.

21 So did you and Superintendent Martinez have
22 occasion to communicate by cell phone during work hours, after
23 work hours?

24 A. Oh, that's part of my job.

25 Q. Okay.

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A. It's 24/7.

Q. Okay.

A. I have to be able to get a hold of Pedro.

Q. So you've talked to him at all hours of the day,
weekends --

A. Um-hum.

Q. -- about work issues?

A. (No audible response.)

Q. Okay. And did you also have occasion to send
text messages back and forth regarding work issues --

A. Um-hum.

Q. -- to Superintendent Martinez?

A. Um-hum.

Q. Okay. Do you know if the board members -- or I
guess they're called trustees. Do you know if the trustees
are given that same stipend for cell phones or do they use --

A. Theirs is a little bit different. They do, I
believe -- and we do have a policy around it. And I apologize
for not -- so they can have -- we will buy -- the District
will buy them a phone if they want to do it that way, but then
they also get the reimbursement too.

Q. Okay.

A. So they have that as well.

Q. Okay. So have you had any occasion to
communicate with one of the trustees, you know, during work

1 hours or after work hours by cell phone --

2 A. Um-hum.

3 Q. -- whether it be verbally or by text message?

4 A. Yeah.

5 Q. Okay. Do you happen to know -- I know this is
6 kind of an odd question, but do you happen to know who your
7 Internet service provider is?

8 A. Who my Internet --

9 Q. For the District.

10 A. For the District.

11 Q. Yeah, for the District.

12 A. Is it AT&T?

13 Q. One of those? One of the two?

14 A. Yeah.

15 Q. Okay. It's kind of an odd question.

16 A. I mean, it's (inaudible). I don't know that.

17 Q. No.

18 A. AT&T is doing, I know, our way-in service. It
19 could be Charter.

20 Q. Okay. That's all right.

21 A. It's either one of those two.

22 Q. That's fine.

23 Are you aware of any documents that either prove
24 or suggest when Superintendent Martinez was put on
25 administrative leave with pay? Were there any sort of

1 documents that circulated throughout the office, e-mails,
2 memos?

3 A. No, just the statement that the Board came out
4 with a couple days later.

5 Q. Okay.

6 A. That was all we had.

7 Q. Okay. But in your meetings with President Clark,
8 she never specifically said he was put on administrative leave
9 with pay, she just said he was no longer a superintendent?

10 A. Correct.

11 Q. Okay.

12 A. In those -- like the 22nd meetings, there was
13 nothing about leave of absence with pay, administrative pay.
14 That was never mentioned in there.

15 The first time I found out about that was in the
16 paper.

17 Q. Okay.

18 A. It was a couple days later.

19 Q. Okay. Are you aware of any sort of documents,
20 then, that prove or suggest that -- that he was terminated,
21 that his contract was terminated besides what you read in the
22 press or what President Clark told you, any sort of documents
23 that --

24 A. I wouldn't be privy to those.

25 Q. Okay.

1 A. There was an e-mail, I think, from our
2 communications department that had gone around, and they had
3 copied Tracy and me, and it was about a statement. So they
4 were having -- they were having the trustees review the
5 statement, how does this sound type thing.

6 Q. Okay.

7 A. So there's an e-mail that has, I think, myself,
8 Tracy, Randy Drake and then all the trustees, communications,
9 looking at a statement. And then they wanted the trustees'
10 input.

11 Q. On that statement?

12 A. Yeah.

13 Q. And was that statement what was going to be
14 presented to the press --

15 A. I think so, yeah.

16 Q. -- regarding the events that took place?

17 A. Yep.

18 Q. Okay. So -- and I know that you have answered
19 this question more than once, but just to make sure that I'm
20 clear that it was your impression -- I don't want to put words
21 in your mouth. So correct me if I'm wrong, but it was your
22 impression that the decision made by President Clark and the
23 other trustees regarding Pedro Martinez's employment was that
24 his -- that he was no longer employed. He no longer had a job
25 at the District as superintendent.

1 A. That is correct.

2 Q. Okay.

3 A. That was my impression.

4 Q. And that it was a permanent decision and that the
5 decision was final?

6 A. Yes.

7 Q. Okay.

8 A. Um-hum.

9 Q. Okay.

10 MS. DAVIES: I don't have any other questions for
11 you.

12 Do you have any questions that you have?

13 MS. MCNEEL: No. This is just really bothering
14 me I can't remember that second agenda item.

15 MS. DAVIES: You can't --

16 MS. MCNEEL: I'm the chief of staff, and you
17 would think that maybe it's just because it has been such a
18 crazy, hellish week. You know?

19 MS. DAVIES: There's a whole lot of things going
20 on in your world this week.

21 MS. MCNEEL: But no, I don't have any other
22 questions.

23 MS. DAVIES: So at this time, I'll go ahead and
24 end your interview.

25 The time is 3:49 p.m. It is August 1st, 2014,

1 and I'm going to end the interview.

2 (Proceedings concluded.)

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1 STATE OF NEVADA,)
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I, Michel Loomis, do hereby certify:

That on August 1, 2014, an interview was held in the within-entitled matter in the office of Attorney General.

That said interview was recorded on JAVS, and said JAVS CD-ROM was delivered to me for transcription;

That the foregoing transcript, consisting of pages 1 through 24, is a full, true and correct transcript of said recorded JAVS CD-ROM performed to the best of my ability.

Dated at Carson City, Nevada, this 26th day of August, 2014.

Michel Loomis, Transcriber

Exhibit “10”

Exhibit “10”

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
RENO, NEVADA

TRANSCRIPT OF ELECTRONICALLY-RECORDED INTERVIEW

ESTELA GUTIERREZ

AUGUST 27, 2014

RENO, NEVADA

Transcribed and
proofread by:

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1 RENO, NEVADA, MONDAY, AUGUST 27, 2014, 5:59 P.M.

2 -oOo-

3
4 MS. DAVIES: Okay. Today is August 27th, 2014.
5 The time is approximately 5:59 p.m. This interview is being
6 conducted at the law offices of John Arrascada in Reno,
7 Nevada.

8 Present in this interview is myself, Jennifer
9 Davies, Deputy Chief Investigator; Estela Gutierrez; and John
10 Arrascada, the attorney for Estela.

11 First of all, you realize that this is being tape
12 recorded?

13 MS. GUTIERREZ: Yes.

14 MS. DAVIES: And I do have your permission to do
15 so?

16 MS. GUTIERREZ: Yes.

17 MS. DAVIES: Okay.

18 MR. ARRASCADA: Estela, real quick. Real
19 important: Let Jennifer -- I know you're anticipating about
20 this.

21 MS. GUTIERREZ: Yes.

22 MR. ARRASCADA: Let Jennifer finish her question.
23 Then you can answer it.

24 MS. GUTIERREZ: All right.

25 MR. ARRASCADA: So that way, we have a good

1 recording. Okay?

2 MS. GUTIERREZ: Okay.

3 MS. DAVIES: And it's much easier for the
4 transcriber then to go directly from person to person, and we
5 don't over speak each other.

6 MS. GUTIERREZ: Okay.

7 MR. ARRASCADA: Could we go off real quick?

8 MS. DAVIES: You bet. I'm going to stop this for
9 just one second.

10 (Short pause.)

11 MR. ARRASCADA: This is John Arrascada. We went
12 off tape so that we could have a discussion with Estela and
13 Jennifer to make sure that Estela would -- we could have a
14 good recording by having vocal answers, but also pauses with
15 questions so that there's no talking over one another.

16 BY MS. DAVIES:

17 Q. Okay. So, Estela, I just want to kind of go over
18 what happened on July 22nd.

19 A. Um-hum.

20 Q. If you can just tell me kind of in your own words
21 what transpired on that day.

22 A. Well, for me, I was on my way to the Bay Area to
23 represent my president, President Sheehan. And on my way, I
24 received a call at 20 till 3:00.

25 Q. Okay.

1 A. And it was from Barbara Clark from her cell to
2 basically give me like FYI that this is what's going on as far
3 as Pedro Martinez. And she was justifying the action that
4 they had already took, and they told me clearly that it was
5 fraud, that it's really bad.

6 Q. Let me stop you really quick.

7 A. Um-hum.

8 Q. What was fraud? Did she say at that point?

9 A. Yes. The CPA. The CPA.

10 Q. Okay.

11 A. So first of all, just my surroundings: I'm in a
12 car. Comes in the speaker phone. I'm trying to compete with
13 the noise of the highway, so then there was a good portion of
14 my -- of that phone call that I had to tell Barbara to -- you
15 know, "I need to veer off. Can you hold off for just a
16 second," because I needed to comprehend what she was telling
17 me.

18 Q. Okay.

19 A. So when -- my husband was with me, Jesse
20 Gutierrez, and he was the one that was driving. And so the
21 incoming call comes in through the speaker. And so I tell my
22 husband, "Veer off, veer off." I don't know the time, but
23 it -- we veered off.

24 And so at that point, then she resumes then to
25 tell me or justifying an action that they had taken.

1 And I was trying to comprehend the reason or the
2 action and what was really going on. And so apparently, she
3 had just said "We just" -- you know, "We're in a legal
4 meeting" -- or "We got out of the legal meeting." Excuse me.
5 "We got out of the legal meeting," and that's when she told
6 me, "Oh, by the way, you are on speaker."

7 And so she was on her phone, and she then
8 notified me: "You're on speaker. Everybody's here." I could
9 not hear the other people, but I do remember her just going
10 over and over, "I apologize: I know I'm putting you in a bad
11 position," you know, "I know it's very unfair to you, but
12 basically, this is pretty bad. We" -- "Us six have decided
13 that Pedro Martinez has committed fraud."

14 And so I was just kind of dumbfounded or trying
15 to comprehend this. And so it was natural for me to just ask,
16 "Well, what do you mean?" And I was trying -- as an educator,
17 I was trying to get my mind on the CPA certification, which
18 I'm going: Wait a minute. He has a certificate on his wall.
19 And so she goes -- and she alluded to the fact that it was
20 fraudulent, that the certificate was fraudulent.

21 Then during that conversation, because there was
22 a long conversation of the fraud part and "I'm sorry," then
23 kind of like in the middle of the conversation, I hear the
24 attorney because --

25 Q. And you're speaking of Randy Drake?

1 A. Yes, Randy Drake.

2 And I notice -- I noticed just by his pause --

3 MR. ARRASCADA: I think we need to be cautious
4 there because there is the attorney/client privilege between
5 Mr. Drake and this Board of Trustees. And I don't know if
6 that's been waived in any way, shape or form. Unless --

7 MS. DAVIES: I don't know. I can tell you that I
8 haven't spoken with Mr. Drake.

9 MR. ARRASCADA: Okay.

10 MS. DAVIES: However, I have spoken with all of
11 the trustees in reference to what took place during this
12 meeting, and they have shared their knowledge.

13 MR. ARRASCADA: Including what Mr. Drake said?

14 MS. DAVIES: Yes. Yes.

15 MR. ARRASCADA: Okay.

16 MS. DAVIES: What I don't want is if there was
17 any information that he shared to -- to a legal standpoint of
18 giving any sort of legal advice, because that would definitely
19 be --

20 MR. ARRASCADA: That gets into -- that's why
21 I'm --

22 MS. DAVIES: Yeah, that gets into --

23 MS. GUTIERREZ: Yeah.

24 MS. DAVIES: -- a sticky situation. So if it was
25 a conversation that was taking place; otherwise, I don't want

1 to --

2 MS. GUTIERREZ: Um-hum.

3 MS. DAVIES: -- get into any sort of --

4 MS. GUTIERREZ: My point was that the fact --

5 MR. ARRASCADA: Estela.

6 MS. GUTIERREZ: Oh, I'm sorry.

7 MS. DAVIES: That's okay.

8 MS. GUTIERREZ: My point there was just that he
9 was -- it seemed like he was surprised.

10 BY MS. DAVIES:

11 Q. Okay.

12 A. Okay.

13 Q. Surprised at the conversation with you?

14 A. No, surprised that I was actually called by
15 Barbara Clark.

16 Q. Okay.

17 A. That was --

18 Q. Your interpretation?

19 A. -- my interpretation.

20 Q. Okay.

21 A. So Barbara then paused and continued to go into
22 some NRS statute regarding CPA in the State of Nevada.

23 Q. Okay.

24 A. I remember the word "misdemeanor." I remember
25 that it was illegal in the State of Nevada and that Pedro

1 Martinez had misrepresented himself all this time. So she was
2 justifying for a good proportion of our conversation.

3 At the end, I'll be honest. I was pissed. I
4 reacted and I said, "What the hell. What the hell. This
5 train has left the station. You all have made a decision, and
6 so why am I here?" And there was a pause. She could not
7 answer that.

8 Q. Okay.

9 A. And so basically, the big conversation was this
10 whole thing about a CPA; fraud, fraud, fraud; State of Nevada
11 misdemeanor; that, you know, "us six have made the decision"
12 to basically fire him.

13 Q. Okay. In -- in respect to that last statement,
14 did Barbara Clark ever specifically say that the Board made
15 the decision to fire him, to fire Pedro Martinez?

16 A. She specifically said that "We're releasing him
17 from his duties as of now. We don't want him to be here as of
18 today."

19 Q. Okay.

20 A. "He will leave immediately."

21 Q. Okay. So what was your -- your thought with --
22 with just that comment from -- from Barbara Clark?

23 A. I was --

24 Q. What was your perception?

25 A. My perception is -- like I said, that's when I

1 got pissed: You've all made the decision.

2 And then what I was trying to grapple with was
3 the fact was then she alluded to an investigation that
4 apparently -- this is what I heard from her -- that she and
5 the auditor conducted. So I was dumbfounded about that.

6 And then that's when I started getting -- my --
7 my blood was boiling, and I was trying to be calm. And that's
8 when basically, you know, I said, "So how" -- I didn't even
9 know there was a personnel issue or that there was an
10 investigation. Never. Prior to that call, I never knew there
11 was an investigation, there was issues with Pedro Martinez,
12 nothing about the CPA.

13 I'm a trustee. Something that serious, I think I
14 should have, you know, known or given a heads up.

15 Q. Okay.

16 MR. ARRASCADA: Jennifer, if I could.

17 Estela, could you explain to Jennifer how you
18 learned about what was going on with Pedro Martinez --

19 MS. GUTIERREZ: Um-hum.

20 MR. ARRASCADA: -- in the car.

21 MS. GUTIERREZ: You mean prior to the --

22 MR. ARRASCADA: Prior to Barbara's call --

23 MS. GUTIERREZ: Okay.

24 MR. ARRASCADA: -- Barbara Clark's call.

25 MS. GUTIERREZ: Prior to -- this is how I

1 learned, Jennifer, is that Pedro texts me. 2:30. He tells
2 me, "Estela, they're going to fire me," blah, blah, blah,
3 basically -- and I'm going: What? How can they do this?
4 Right? My reaction: How can they do this? It was: "On what
5 basis," basically. And he said, "Something about CPA and that
6 I don't have the right certificates," so that was his message.
7 That was at 2:30.

8 At 2:36, 2:36, I text Barbara McLaury, "What the
9 hell is going on?" At 2:39, that's when I get the call.

10 MS. DAVIES: Okay.

11 MR. ARRASCADA: From Barbara.

12 MS. GUTIERREZ: From Barbara Clark.

13 MS. DAVIES: Okay.

14 BY MS. DAVIES:

15 Q. So you weren't aware of any problems or any
16 issues related to Pedro Martinez?

17 A. No.

18 Q. His CPA certificate --

19 A. No.

20 Q. -- slash, license prior to the initial text from
21 Pedro?

22 A. No.

23 Q. Okay. Did you text Pedro back?

24 A. I text him back. I did text him. I go, "Can you
25 talk?" And he goes, "No, I cannot talk." And so that's when

1 I text Barbara McLaury, "What the hell is going on?"

2 Q. And then three minutes later, Barbara Clark --

3 A. Yeah, then Barbara Clark calls me from her cell.

4 Q. Okay. So at that point, at 2:39 when Barbara
5 called -- Barbara Clark called, the Board had already had
6 their legal meeting. They had already discussed -- done
7 whatever they had done within that, and you had not been a
8 part of that; correct?

9 A. I did not deliberate. I didn't -- I wasn't asked
10 to vote.

11 I was appalled with the fact that there was an
12 investigation and that it was led by a board president and
13 auditor. I was just like: Oh, my gosh.

14 Q. So at no time did you have any discussion with
15 any of the other board members prior to that phone call?

16 A. No.

17 Q. Okay.

18 MR. ARRASCADA: Regarding Pedro and the CPA
19 issue.

20 MS. DAVIES: Regarding Pedro and the CPA issue.

21 MS. GUTIERREZ: Exactly. And my -- when Barbara
22 was talking to me, I was trying to comprehend the whole CPA
23 first; and then second, to learn that there was an
24 investigation.

25

1 BY MS. DAVIES:

2 Q. And am I correct in understanding that Barbara
3 Clark had said that the six of them had decided that he --
4 that Pedro Martinez had committed fraud?

5 A. Yes.

6 Q. Okay. And that's pretty accurate? To your
7 recollection, that's --

8 A. To my recollection.

9 Q. -- what she said?

10 A. Recollection.

11 Q. Okay. What happened after?

12 A. When I hang up --

13 Q. Yeah.

14 A. -- and was pissed?

15 Q. Yeah.

16 A. I -- you know, for the first time in my life -- I
17 never cry, but I have to tell you, I did. I broke down. My
18 husband had to really control me. I was -- I felt blindsided.
19 I felt impotente. I felt --

20 "Impotente" means that -- helpless.

21 I wanted to find out more as far as -- because I
22 still couldn't comprehend the CPA stuff. And being an
23 educator, I -- the first thing, I thought: Wait a minute.
24 There is different standards just like there is for nursing or
25 what have you.

1 So I started going: Oh, my gosh. Who can I
2 call? Who can I call, because that's who I am. And so I
3 called different people to learn more about the Illinois
4 standards about CPA. So I wanted to learn more.

5 I also -- I'll be honest. I couldn't get a hold
6 of Pedro right away because that was my natural instinct, to
7 see what was going on. And then -- so as Jesse was
8 controlling me, we kind of paused, and so we were delayed, you
9 know, getting to my destination. And so he helped me, you
10 know, kind of get back to earth and tried not to be as
11 emotional so I could think, because I was -- I was like -- I
12 couldn't believe it. It's like a novela, which means it's
13 like a soap opera.

14 Q. Sure.

15 A. It was soap opera.

16 And so that night, just because as a dean, you
17 know, I'm used to making sure that I write the facts. And so
18 that night, I did send an e-mail to all the board members
19 saying basically that I cannot believe that you did not
20 include me or that I did not know anything prior to this legal
21 meeting.

22 And that basically, just for the record, you have
23 already made -- you had already made the decision when you
24 called me, and I put that in writing and I sent them -- I sent
25 them that e-mail that night.

1 Q. And do you still have a copy of that e-mail?

2 A. Of course.

3 Q. Okay.

4 MR. ARRASCADA: I'll make an additional one.

5 MS. DAVIES: Oh, perfect. Okay. Thank you.

6 MS. GUTIERREZ: Yeah.

7 MS. DAVIES: We're just going to take a pause --
8 we'll leave this on.

9 MS. GUTIERREZ: Okay.

10 MS. DAVIES: But we'll take a pause while John
11 steps out.

12 Thank you.

13 MR. ARRASCADA: And this one will be produced
14 pursuant to the subpoena once Mike Malloy and George
15 (inaudible) --

16 MS. DAVIES: Sure.

17 MR. ARRASCADA: -- have negotiated the scope a
18 little bit. Right now, it's very broad.

19 MS. DAVIES: Sure. Okay. So I just want to make
20 mention we did pause while you stepped out. So we'll go ahead
21 and resume.

22 BY MS. DAVIES:

23 Q. Did you -- after you sent this e-mail, which
24 would have been July 23rd --

25 A. Um-hum.

1 Q. -- did you -- were you able to contact and speak
2 with Pedro or did you speak with any of the other board
3 members specific to this issue regarding the -- the CPA issue
4 and the decisions that were made?

5 A. No, not to -- none of the group or none of the
6 board members either responded to me on this e-mail or did
7 they want to talk to me at all.

8 Q. Okay.

9 A. And I tried to reach out to the Board president
10 just to basically -- we need to meet. I was mystified with
11 the investigation still. That was really going in my mind,
12 but she never contacted me after that.

13 Nobody -- I would e-mail them. After my emotions
14 kind of went down, I had to really think about what's best --
15 in the best interests of the District. I had to kind of say:
16 Estela, you got to get these emotions out because I was
17 questioning: Why am I -- because I'm going to end my term in
18 December, so I have six more board meetings. And one of the
19 major reasons that I chose not to run is because of my
20 position at the college, being the dean, and the fact that
21 this new Board has tripled the amount of workshops.

22 And they know -- they knew from -- you know,
23 from -- since January 18th I cannot be part of this Board no
24 longer because I cannot commit this time. And they knew that
25 workshops, I would not attend, basically. Because workshops

1 are basically for Board development --

2 Q. Okay.

3 A. -- and I would always, you know, follow through.
4 Being one of the senior trustees, I would always follow
5 through with Kristin or the staff if I missed anything or if
6 there's something new.

7 Q. Sure.

8 A. Okay? So I did not -- nobody contacted me for a
9 good -- I don't -- let's see.

10 MR. ARRASCADA: You're referring to this meeting,
11 there -- July 22nd was a development --

12 MS. GUTIERREZ: Development meeting.

13 MR. ARRASCADA: -- meeting.

14 MS. GUTIERREZ: Right.

15 MS. DAVIES: Correct.

16 MS. GUTIERREZ: It was more Board development.

17 MR. ARRASCADA: Okay.

18 MS. GUTIERREZ: It was BoardDocs, ethics and some
19 other topics. It was all Board development.

20 Left town, was into my stuff that I needed to
21 present the next day and didn't even have a clue. So --

22 BY MS. DAVIES:

23 Q. Okay.

24 A. -- of all times, a Board workshop.

25 Q. Okay. So let me -- I just want to make clear,

1 did -- when Barbara Clark was speaking to you, did she ever
2 specifically say that Pedro Martinez was fired?

3 A. She -- to me, she said, "We're letting him go.
4 He will no longer be your superintendent, and he's been
5 released of his duties. And us six feel very strongly about
6 that."

7 Q. Did she ever specifically say that the Board had
8 made a decision to terminate his contract, those specific
9 words?

10 A. No.

11 Q. Okay.

12 A. Not to my knowledge.

13 Q. Okay. But it was your understanding that the
14 decision that the Board made -- let me ask you this:

15 Was it your understanding that the decision that
16 the Board had made to release Pedro Martinez, that it was a
17 final decision or it was a temporary decision?

18 A. It was a final decision.

19 Q. Okay. Did they ever speak -- did Barbara Clark
20 or any --

21 MR. ARRASCADA: I'm sorry. Estela, was that your
22 impression?

23 MS. GUTIERREZ: That was my impression.

24 MS. DAVIES: Okay.

25 MS. GUTIERREZ: Um-hum.

1 MS. DAVIES: She never utilized other terms like
2 "administrative" or anything like that or "temporary" or
3 "We're going to put him on probation"?

4 MS. GUTIERREZ: No.

5 BY MS. DAVIES:

6 Q. Okay. It was your understanding it was a final
7 decision?

8 A. Yes.

9 Q. Okay. Did Barbara Clark or any of the other
10 members during your telephone call ever speak about finding
11 a -- a replacement superintendent or interim superintendent or
12 anything?

13 A. No.

14 Q. Okay. Was that ever discussed while you were on
15 the phone?

16 A. No.

17 Q. Okay. So jumping forward -- ahead -- to the
18 meeting that took place -- I believe it was on July 31st would
19 have been the day before Pedro came back to work.

20 Let me just check my calendar really quick.

21 A. Was this a board meeting?

22 Q. No. This is would have been a meeting -- okay.
23 Yeah. Okay. So it would have been July 31st. It would have
24 been a meeting that took place at the law offices of Kent
25 Robison.

1 A. Um-hum.

2 Q. Were you present?

3 A. I was not.

4 Q. Okay. So do you have any idea what took place or
5 what discussions --

6 A. No.

7 Q. -- went on there?

8 A. No.

9 Q. Okay.

10 A. I was -- that was the day that my -- one of my
11 programs, Success First for first-generation students, it was
12 their graduation. So I had indicated to Randy that I could
13 not attend; if I had a conflict, would I be able to get a
14 debrief by Kent or by him. So Randy did give me a debrief,
15 and it was very general. It was nothing about details or
16 substance.

17 Q. Okay. Were you aware of --

18 MR. ARRASCADA: And that's not a waiver of any
19 attorney/client privilege that the Board has with Kent Robison
20 or Mike Malloy or Randy Drake or myself. And I wasn't there.

21 MS. DAVIES: Right.

22 BY MS. DAVIES:

23 Q. Were you aware of any sort of statement that
24 Barbara Clark was going to make or that she did make regarding
25 the actions that had been taken by the Board the previous

1 week?

2 A. I'm sorry. I didn't understand that.

3 Q. Maybe let me give you a little bit of a
4 description.

5 There was a statement that Barbara Clark put out.

6 A. There's various statements.

7 MR. ARRASCADA: A press release.

8 BY MS. DAVIES:

9 Q. It was a press release, and it was a specific
10 statement that was -- that spoke specifically about the
11 actions that had taken place on the 22nd were void, and they
12 were asking Pedro Martinez to --

13 A. Okay.

14 Q. -- come back to work.

15 Are you aware of that statement that was made?

16 A. Um-hum.

17 Q. Okay.

18 A. Through the paper.

19 Q. Perfect. So how did you find out about that
20 statement?

21 A. Through the paper.

22 Q. Did you know anything about that statement?

23 A. No. Prior to, no.

24 Q. Okay. So that was the first time you --

25 A. Exactly.

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Q. Okay.

A. In fact, many of her statements were through the paper.

Q. Okay. Okay.

This may sound kind of like an oddball question, but is there a white board that exists -- and I don't know if it's in Pedro's office, if it's outside of his office -- that would have said -- that somebody might have written something on saying that they were looking for an interim superintendent or any sort of information about that?

A. I don't know.

Q. Okay. I'm trying to think.

Is there anything else that you can think of that took place during your telephone conversation with Barbara Clark in the car that you can think of that -- that you haven't said?

A. The big conversation was the fraud, the fraud, the fraud, the CPA. "Unfortunately" -- "I'm sorry, Estela. I'm so sorry. I put you in a bad" -- "I know this puts you in a bad position," and basically what I've just added.

Q. Okay. And when you speak of the fraud, the fraud, the fraud, it's all --

A. CPA.

Q. Okay.

A. One issue. It was only one issue. There was

1 never any discussion about no other issue. The big focus was
2 that CPA.

3 And I'm trying to -- because we have individual
4 meetings with Pedro, so all I could remember is the CPA
5 certificate on his wall that he had since I've known him. And
6 so I brought that up, and basically, they -- my interpretation
7 was they're alluding that it was not for real. It was fraud,
8 that he's committed fraud.

9 Q. Okay.

10 A. And the investigation and that the auditor, who
11 now reports to the Board, was part of that investigation.

12 Q. Okay --

13 A. And led by the president.

14 Q. What is the auditor's name?

15 A. Barbara -- is it Barbara?

16 MR. ARRASCADA: That's a lot of Barbaras.

17 MS. DAVIES: I was just thinking the same thing.

18 MS. GUTIERREZ: I think it's Barbara. I mean,
19 don't quote me.

20 MR. ARRASCADA: If you can't recall, you can't
21 recall.

22 MS. GUTIERREZ: I can't recall.

23 BY MS. DAVIES:

24 Q. Okay. But it's a -- it's a female?

25 A. It's a female.

1 Q. Okay. Perfect.

2 MS. DAVIES: I don't have anything else at this
3 time. As soon as I walk out the door, I'll probably think of
4 something.

5 But, John, do you have anything that you want to
6 bring up?

7 MR. ARRASCADA: Just to clarify.

8 MS. DAVIES: Sure.

9 BY MR. ARRASCADA:

10 Q. Estela, everything you knew what was going on
11 that day was it was a workshop --

12 A. Um-hum.

13 Q. -- is that correct?

14 A. Absolutely.

15 Q. You've explained to Jennifer what workshops are
16 with the District or with the Board of Trustees.

17 At any time from when you received the text from
18 Pedro to the cell phone conversation with Barbara Clark, were
19 you invited or asked to deliberate or participate in any
20 decisions?

21 A. No.

22 Q. And did you have any knowledge that there was a
23 meeting or personnel decisions or a meeting where decisions
24 were being made --

25 A. No.

1 Q. -- regarding the school district or Pedro
2 Martinez?

3 A. No. And, while I'm a dean, one thing I -- here's
4 the confusion with the community is since I've been on the
5 Board, the mandatory meetings are the regular board meetings
6 that take place.

7 Workshops are not mandatory.

8 Q. Okay. And in the e-mail that you provided, that
9 you sent to the Board on July 22nd at 9:55, is that reflective
10 of how A, one, you felt and the fact also that you had
11 absolutely no knowledge that anything was going on, that
12 decisions were already made before you had even spoken?

13 A. Absolutely. I had no prior knowledge. I was --
14 didn't even know there was an issue, a personnel issue.

15 We -- just 30 days prior to that, we had an
16 evaluation, I believe June 10th. It was a little bit over
17 30 days, and it was tough. Not even my president or CEO goes
18 through that type of evaluation.

19 The evaluation wasn't great, it wasn't bad. It
20 was like a B plus -- A minus, B plus. Never had they
21 mentioned anything.

22 Q. Okay. And just -- and I'm sorry. I don't mean
23 to belabor anything.

24 A. You're fine.

25 Q. I guess I will. And I never even said that --

1 and I don't mean to brag, I think someone's about to.

2 Did you participate -- on that July 22nd, on the
3 phone call, did you participate in taking any of the actions
4 that were taken?

5 A. Absolutely not.

6 Q. Okay. Is it your opinion that you were told what
7 occurred as opposed to being part of a deliberative
8 participating process?

9 A. I was told.

10 Q. Okay.

11 A. And it was a lot of justifying the action that
12 had already taken place --

13 Q. Okay.

14 A. -- that the six had decided, and there was this
15 urgency that he had to leave.

16 Q. Okay.

17 MS. DAVIES: And let me -- I'll just be specific.
18 Although we do know who the six consist of, but can you tell
19 me who the six individuals are.

20 MS. GUTIERREZ: So that's Barbara Clark, Dave
21 Aiazzi, Barbara McLaury, John Mayer -- John Mayer --

22 MR. ARRASCADA: Lisa.

23 MS. GUTIERREZ: -- Lisa Ruggerio and Mr. Howard
24 Rosenberg.

25

1 BY MS. DAVIES:

2 Q. Okay. And those are the six that you speak of
3 when -- throughout this interview of the six?

4 A. Of the six.

5 Q. Okay.

6 A. Now, the only person I could hear was Barbara.
7 She was the spokesperson.

8 Q. Okay. So Barbara Clark was the only person who
9 you could hear --

10 A. Um-hum.

11 Q. -- and who was speaking --

12 A. Exactly.

13 Q. -- to you in reference to what decision or
14 deliberation had taken place?

15 A. Um-hum.

16 MR. ARRASCADA: You were told what was done.

17 MS. GUTIERREZ: What was done. That's when I got
18 pissed.

19 MS. DAVIES: Okay. Okay.

20 MS. GUTIERREZ: I was really pissed.

21 MR. ARRASCADA: So noted.

22 MS. DAVIES: Do you have anything else?

23 MR. ARRASCADA: I do not.

24 MS. DAVIES: Okay. I don't have anything at this
25 time. So what I'll do --

1 Estela, do you have any questions for me?

2 MS. GUTIERREZ: I don't have any questions --

3 MS. DAVIES: Okay.

4 MS. GUTIERREZ: -- at the moment. This is my
5 first --

6 MS. DAVIES: And that's fine. I just want to
7 give you the chance if you did. So --

8 MR. ARRASCADA: If she does, she'll call me and
9 I'll reach out to you.

10 MS. GUTIERREZ: Yes.

11 MS. DAVIES: Perfect. At this time, what I'm
12 going to do is go ahead and end the interview.

13 It is August 27th, 2014, and the time is
14 approximately 6:30 p.m.

15 (Proceedings concluded.)

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STATE OF NEVADA,)
) ss.
CARSON CITY.)

I, Michel Loomis, do hereby certify:

That on August 27, 2014, an interview was held in the within-entitled matter in the office of John Arrascada.

That said interview was recorded on JAVS, and said JAVS CD-ROM was delivered to me for transcription;

That the foregoing transcript, consisting of pages 1 through 28, is a full, true and correct transcript of said recorded JAVS CD-ROM performed to the best of my ability.

Dated at Carson City, Nevada, this 29th day of August, 2014.

Michel Loomis, Transcriber