

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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proofread by:

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1 RENO, NEVADA, MONDAY, AUGUST 4, 2014, 3:32 P.M.

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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 McLaury and Lisa Ruggiero.
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 Ruggiero
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?

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MR. MALLOY: I didn't say that.

MS. DAVIES: So, I'll make a note on the record that Kent Robinson just entered the room for the first time during this interview.

BY MS. DAVIES:

Q. Were you aware of any -- anything that was conducted by the trustees or the officers to either prove or disprove the allegations regarding this CPA issue?

A. The initial conversation the attorney Randy Drake was just telling us that in Illinois it's a violation of law to do this. And that's where the discussion came up on okay, there's enough information to take this to a public meeting.

Q. Okay.

A. So there was just that much, there wasn't a whole lot.

Q. And when you say to do "this," what do you mean?

A. To have a meeting to discuss -- to discuss this in public. There's a lot of complaints about people all the time and you want to make sure it has some validity I think before you put it into the public and make sure there's something to the complaint.

Q. Okay. And that it was at that point that then it was a discussion that this should be made public --

A. Absolutely.

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.

1 Q. Okay.

2 A. I will tell you that I've never spoken at all
3 with John Mayer about anything coming up or -- or --
4 Barbara McLaury only a few times, Estela hardly ever, maybe
5 once in two years.

6 Q. And that's how long you've been a trustee?

7 A. Two years in January.

8 Q. Okay. Okay. So, let's jump ahead to July 29th,
9 and that was when there was a -- a meeting regarding the
10 lawsuit with some of the trustees and the officers with legal
11 counsel.

12 A. Is that the one we had here?

13 Q. So you were present during --

14 A. Yes.

15 Q. -- that? Okay. Were you -- I just totally just
16 lost my entire train of thought. Oh, good. See, I'm not the
17 only --

18 MR. MALLOY: That happens. As you get older it
19 gets worse.

20 BY MS. DAVIES:

21 Q. During that -- that meeting regarding the
22 lawsuit, were you aware of a statement that was made, a
23 written statement that was made by President Clark
24 regarding -- I'm trying to carefully pick my words --
25 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.

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A. If you listed them I may.

Q. And I will tell you I haven't read --

A. I may have on some of them, but I don't know what they all are.

Q. Okay.

MS. DAVIES: I think that's all I have. Those are all the questions that I have for you. Michael or Kent, do you have anything that you want to add?

MR. ROBISON: I do not.

MS. DAVIES: Okay. So what I would ask is that you don't discuss anything that took place in the interview, any of our questions, responses with anybody outside of this interview until after our investigation is complete.

And so at this time I would go ahead and end our interview. It is approximately 4:03 p.m., and it is August 14th, 2010 -- no, 2014, August 4th, 2014.

(Proceedings concluded at 4:03 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 23, 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