

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
RENO, NEVADA

TRANSCRIPT OF ELECTRONICALLY-RECORDED INTERVIEW

BARBARA McLAURY

AUGUST 4, 2014

RENO, NEVADA

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1 RENO, NEVADA, TUESDAY, AUGUST 4, 2014, 1:35 P.M.

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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 Ruggerio 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 Ruggerio 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 --

1 MR. MALLOY: (Inaudible).

2 MR. ROBISON: There was no meeting for that.

3 MS. DAVIES: Okay.

4 BY MS. DAVIES:

5 Q. So then did you --

6 MR. ROBISON: There was a gathering about the
7 lawsuit that Martinez had filed.

8 BY MS. DAVIES:

9 Q. So then my question to you -- I'll rephrase it.
10 How did you as an officer make the decision to
11 have Pedro Martinez return to work?

12 MR. ROBISON: Barbara Clark made that decision.
13 As I told you, she wasn't involved, and that's why it's her
14 statement.

15 BY MS. DAVIES:

16 Q. So the decision to have Pedro Martinez return to
17 work, you were not party of -- you were not privy to or were
18 you?

19 MR. MALLOY: There's an assumption in your
20 question that there was a decision at all.

21 MR. ROBISON: Legal advice was given. Legal
22 advice was accepted and legal advice was implemented by
23 Barbara Clark's statement.

24 BY MS. DAVIES:

25 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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