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

11
12 JEFFREY CHURCH,

13 Petitioner,

Case No.

14 vs.

15 Dept. No.

16 KIRK STARKEY, in his capacity as
17 Internal Auditor of the Washoe County School
18 District, a political subdivision of the
19 State of Nevada,

20 _____ Respondent. /

21 **EX-PARTE PETITION FOR WRIT OF MANDAMUS/APPLICATION**
22 **FOR ORDER PER NRS 239.011**
23 **(ENTITLED TO PRIORITY UNDER NRS 239.011)**

24 COMES NOW, Petitioner JEFFREY CHURCH (hereinafter “Church”), by and through the
25 undersigned counsel, hereby petitions this Court for relief pursuant to NRS 239.011, commonly
26 known as the Nevada Public Records Act (“NPRA”) to compel Respondent KIRK STARKEY (Mr.
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1 Starkey”), in his official capacity as Internal Auditor of the Washoe County School District
2 (“WCSD”), a political subdivision of the State of Nevada, to comply with the requirements of
3 WCSD’s rules and regulations by initiating an independent investigation into false claims of
4 harassment against Church.

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6 **I. Background**

7 1. Fundamentally, this Petition involves a continuing effort by WCSD employees to
8 undermine the Church's efforts to push for meaningful reform at WCSD. Church is a conservative
9 firebrand, and his constituents elected him to push for change at WCSD.

10 2. Readily available data in Exhibit 1 for WCSD from the Nevada Department of
11 Education’s accountability portal for the 2022-2023 academic year highlights significant failures in
12 WCSD’s ability to provide adequate education to its students. WCSD has a total enrollment of
13 61,171 students across 121 schools, with 3,781 teachers. The district spends \$10,827 per pupil,
14 which, despite being a substantial investment, does not translate into high academic achievement.
15 The proficiency rates in English Language Arts (ELA) and Mathematics are cause for serious
16 concern. ELA proficiency stands at 43.3% for elementary, 39.9% for middle school and 45.6% for
17 high school students. Mathematics proficiency is even lower, with rates of 40.2% for elementary
18 students, 27.7% for middle students, and a mere 22% for high school students. Many students do not
19 meet grade-level standards in these fundamental subjects. Yet, WCSD’s graduation rate is 84.36%,
20 which, while relatively high, does not offset the low academic proficiency rates or show that
21 graduating students are prepared for the challenges they will face in the workforce or in higher
22 education. Additionally, WCSD’s chronic absenteeism rate is 31%, indicating that nearly a third of
23 students are missing a significant amount of school. There were 283 instances of bullying and
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1 cyberbullying that resulted in suspension, but notably, *none* led to expulsion. Exhibit 1 shows that
2 WCSD fails to educate Washoe County's children adequately.

3 3. Church is a retired Reno Police Officer and an Air Force Veteran, and campaigned for
4 his Trustee position at WCSD on the Air Force motto of "service before self." Church has a notable
5 history of publicly criticizing WCSD for poor education quality and lack of transparency. His
6 platform emphasized conservative values such as transparency, integrity, excellence, student safety,
7 and fiscal responsibility, aiming to rectify WCSD's severe dysfunctionality.

8 4. Trustee Church has called for immediate and targeted interventions to address these
9 shortcomings and ensure that all students have access to a high-quality education. As shown below,
10 in response, Church has become a consistent target of WCSD's dysfunction and his political
11 opponents within and without WCSD. WCSD as an institution, rather than assisting Church in
12 bringing out the change his constituents elected him to pursue, actively thwarted him at every turn,
13 essentially using their publicly funded salaries to undermine the will of the voters. While Church
14 respects the decisions of the Board of Trustees, he should not be punished for his views or for
15 pointing out the consistent failure of WCSD to serve its students adequately.
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19 **II. Parties**

20 5. Petitioner Church is a resident of Washoe County, State of Nevada, and is an elected
21 member of the WCSD Board of Trustees, which is the governing body of the WCSD.

22 6. Respondent KIRK STARKEY ("Starkey") is the Internal Auditor at WCSD.

23 7. WCSD is a political subdivision of the State of Nevada located in Washoe County.

24 8. This Court has jurisdiction to issue writs of mandamus. Nevada Constitution Article
25 VI, 6; NRS 34.160.
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1 9. Venue is proper in this Court because WCSD and the Respondent Starkey are located
2 in Washoe County.

3 **III. Facts**

4 **a. Church has been a target of WCSD during his tenure as Trustee**

5 10. Attached hereto as Exhibit 2 is a September 23, 2021 article from the Reno
6 Gazette-Journal, which details allegations of misconduct against Church by the WCSB leaders. The
7 board had scheduled an agenda item to discuss Church's alleged violations of board policy, accusing
8 Church of violating numerous sections of over seven board policies, board protocols, and trustee
9 duties, including care, loyalty, and fiduciary duties.
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11 11. Attached hereto as Exhibit 3 is a September 27, 2021, Reno Gazette-Journal article on
12 updated on October 14, 2021, reporting that the board canceled the agenda item concerning
13 allegations of misconduct against Trustee Jeff Church. Initially, the board was set to review
14 accusations that Church had violated board policy in multiple instances during its meeting, as stated
15 by School Board President Angie Taylor. The article describes that this decision came after repeated
16 requests from the RGJ for the supporting materials regarding Church's alleged violations,
17 highlighting concerns about a potential violation of open meeting law for not making the
18 information public three days ahead of the meeting. WCSD eventually posted a 204-page document
19 outlining the alleged violations on its website.
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22 12. Attached hereto as Exhibit 4 is an October 24, 2021 follow-up article from the Reno
23 Gazette-Journal, which focuses on the attempted potential censure of Church by the board, which
24 describes Church as a critical voice within the board, particularly concerning the district's
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1 performance and educational curriculum, which he perceives as leaning towards "outrageous social
2 justice" teachings, likening them to "Critical Race Theory indoctrination."

3 13. At the end of the day, a public hearing was held, Church was represented by counsel,
4 and Church was never censured. The sequence of events depicted in Exhibits 2 through 4 show a
5 pattern and a coordinated effort by WCSD to silence and undermine Church's ability to critique
6 WCSD policies effectively.
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8 **b. Church is falsely accused of harassment**

9 14. On September 4, 2023, Church received an email from Board President Smith
10 claiming that "Diane and I need to give you a confidential briefing on a District matter. On or
11 around September 12, 2023, Trustee Church was confronted by Board President Beth Smith and
12 Trustee Diane Nicolet and was informed that he had been accused of harassment by two female
13 employees of the district for an incident that allegedly occurred outside of the WCSD administration
14 building on August 8, 2023. Church was asked to sign a document generated by Trustee Nickolet,
15 which he refused to do. Church requested a "representative" to accompany him to the meeting, but
16 that was refused as well.
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18 15. On October 30, 2023, Church made a public records request for a surveillance video
19 from that date and time of the alleged harassment, which Church received that same day. See
20 Exhibit 5. Initially, Mr. Rombardo refused to provide the video to Church, and only disclosed the
21 video to Church after Church used Nevada's Public Records Act to obtain a copy. The video totally
22 exonerated Church, as it shows he never interacted with anyone outside of the WCSD
23 administration building after the August 8, 2023 meeting, much less harassing anyone. In fact the
24 video shows two females just as detailed by President Smith, alone and talking and later other
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1 females stop by and all parties leave. They were never approached by any males. Further video
2 shows Church in the Board room working on his computer the entire time.

3 **c. WCSD engages in a cover-up of the false allegations against Church**

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5 16. On December 11, 2023, Church filed a formal complaint regarding the allegations of
6 harassment made against him. See Exhibit 6. The complaint form indicates steps were taken by
7 Church to resolve the issue, including discussions with relevant personnel. Church details the
8 incident where he was accused of harassment. He expresses concern over the WCSD's indifferent
9 response to his requests for an investigation or review of video evidence. He filed a Public
10 Document Request under NRS 239, which revealed the video confirming his innocence. Church
11 requests an independent investigation into the allegations, citing WCSD Administrative Regulation
12 (“AR”) 4425, which covers harassment, sexual harassment, and intimidation. He highlights the need
13 for transparency and an unbiased investigation, potentially by an independent investigator or another
14 local agency. Church’s complaint provides a timeline, starting from September 4, 2023 when Board
15 President Smith emailed Church for a confidential briefing, leading to an interrogation about alleged
16 harassment. Church claims he was denied a witness or legal representation and was misled about the
17 nature of the meeting. In his complaint, Church emphasizes the serious implications of false
18 accusations, including potential legal action, character assassination, and political consequences. He
19 insists on an open and expedited investigation to clear his name and holds those making false
20 accusations accountable.
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23 17. On December 14, 2023 the Reno Gazette Journal published a report Church's claim of
24 being falsely accused of harassment by board leaders. See Exhibit 7. The article states that Church
25 publicly disclosed the accusations during a school board meeting's public comment section and
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1 reiterated his call for an independent investigation. the article states that Church believes the
2 accusations are politically motivated to damage his reputation and possibly affect his future political
3 endeavors. The article highlights a history of discord between Church and other board members.
4 Church, who was elected in 2020 and often challenges board decisions, has previously been the
5 subject of a censure attempt and has had disagreements over district policies and procedures,
6 including access to applications for a district committee.
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8 18. A day after the article in Exhibit 7 was published, on December 15, 2023, Church
9 received a response from WCSD counsel Neil Rombardo attached hereto as Exhibit 8. Mr.
10 Rombardo claims that the district's actions were legally mandated to protect the district, noting that
11 the information provided to Church by President Smith was merely for his awareness and not an
12 accusation or admonishment. Rombardo clarifies that no adverse action, discipline, or censure
13 process was initiated against Church, countering Church's claims in his public complaint form. He
14 points out that the meeting with President Smith was informational only, a fact Church's complaint
15 allegedly misrepresented. The email mentions that the anonymity of the employees who reported
16 the harassment is crucial due to their fear of retaliation. It highlights that retaliation is prohibited by
17 law and district policy, even for anonymous reports. Rombardo claims that Church's request for an
18 independent public fact-finding investigation is inconsistent with the district's policies and
19 regulations and explains that the Office of the General Counsel must approve requests for
20 investigations and denies Church's request, citing the confidentiality of the meeting, protection of
21 anonymous reporters, and adherence to board policies and administrative regulations. However,
22 Rombardo's response cherry-picks WCSD rules and regulations that support his wrongful position
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1 that he has the unilateral authority to determine whether Church's demand for an investigation be
2 granted.

3 **d. Board President Smith publicly accuses Church of lying about the harassment**
4 **allegations - and Church continues to seek an independent investigation to clear his name**

5 19. On that same date, December 15, 2023, in an updated article from the Reno
6 Gazette-Journal, published on December 14, 2023, in response to Church's public claims, WCSD
7 Board President Beth Smith stated that Church is lying about the allegations of harassment and
8 about her involvement, claiming that Church has not been admonished or accused of harassment by
9 her.
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11 20. On January 5, 2024, the undersigned counsel sent the letter attached hereto as Exhibit
12 10 demanding that WCSD Internal Audit Department/Chief Auditor Kirk Starkey or an independent
13 third party conduct an investigation into the false allegations against Church.
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15 21. In response, on January 8, 2024, Mr. Rombardo sent a flippant three-sentence denial
16 of the demand stating that he had nothing to add to his previous response to Church. See Exhibit 11.
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18 22. In a February 2, 2024 article from the Reno Gazette-Journal attached hereto as
19 Exhibit 12, WCSD stated there would be no investigation into why Church was confronted with
20 these allegations, nor has it confirmed whether it investigated the initial harassment claims. Therein,
21 Mr. Rombardo indicated that the matter was addressed as required by law to protect the district,
22 emphasizing the confidentiality of the accusations and the district's commitment to taking
23 harassment reports seriously.
24

25 23. Being confronted with absurd accusations of harassment and being publicly called a
26 liar, are tactics aimed at tarnishing his reputation and delegitimizing his concerns, indicative of a
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1 targeted campaign based on Church political stance rather than evidence of any actual wrongdoing.
2 Denying an investigation in these circumstances in effect condones and encourages continuing
3 politically motivated attacks and false accusations on Trustee Church's character and reputation and
4 undermines his ability to effectively represent his constituents in his capacity as Trustee.
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6 **e. WCSD's past practice has been to have independent third parties address allegations**
7 **of misconduct against Trustees**

8 24. Asking for an independent investigation into allegations of misconduct against a
9 Trustee at WCSD is not novel. Exhibit 13 is a letter from Gunderson Law Firm, specifically from
10 John R. Funk, Esq., to the Board of Trustees of WCSD, dated December 13, 2021. The letter details
11 the findings of an independent investigation conducted regarding two main issues related to former
12 Trustee Jacqueline Calvert: (1) The legal implications of Calvert's actions, including votes cast and
13 her presence for quorum purposes, after she moved out of the district for which she was elected; and
14 (2) whether Calvert's relocation rendered her office immediately vacant or if a proceeding was
15 required to declare the office vacant. The firm also examined the potential for WCSD to assert
16 claims against Calvert for compensation she received after moving out of her district.
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18 25. Further, WCSD has a history of engaging external investigators for issues that are
19 significantly less grave than the one involving Church. For instance, in 2019, the district enlisted the
20 services of Attorney Anthony Hall to look into allegations against a school principal. Furthermore,
21 to the best of Church's knowledge and belief, back in 2017, WCSD spent no less than \$48,000 to
22 hire Solutions At Work, an external agency, to carry out a workplace investigation targeting senior
23 officials within the special education department. This pattern underscores the district's propensity to
24 seek outside expertise for matters of various magnitudes.
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1 30. Attached hereto as Exhibit 17 is a response to Church’s Complaint in Exhibit 16 by
2 Starkey, in which Starkey states, “Our office will be performing the necessary follow-up.” To date,
3 there has been no follow-up.

4 **IV. Argument**

5 31. WCSD AR 4425(9) [Exhibit 18] “False Allegations” states:

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7 Persons knowingly bringing false accusations **will be held responsible**
8 for their actions, and may be subject to disciplinary action in
9 accordance with the requirements of applicable state law, District
10 policies and administrative regulations and/or collective bargaining
11 agreements. [**emphasis added**]

12 32. Board Policy 9300 [Exhibit 19] addresses the reporting of fraud, waste, or abuse
13 within the district to the Internal Audit Department, defining "abuse" as any action that violates
14 district policies, regulations, or procedures and undermines operational effectiveness and efficiency.
15 False accusations of harassment and accusations regarding the truthfulness of a Trustee, i.e.
16 violations of AR 4425(9), undermine the operational effectiveness and efficiency of WCSD.

17 33. AR 9166 [Exhibit 20] is established to guide the conduct of confidential
18 administrative investigations within WCSD, ensuring thorough and impartial investigations while
19 protecting the interests of the district and upholding the rights of district personnel and students. The
20 regulation outlines specific criteria for initiating investigations, including situations involving
21 complex legal issues, high liability risks, and allegations of staff misconduct toward students. AR
22 9166 allows for the employment of outside individuals or agencies to conduct investigations under
23 the direction of the Office of the General Counsel when necessary due to potential conflicts of
24 interest, specialized knowledge requirements, or workload constraints.
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1 34. Board Policy 9170 [Exhibit 21], regarding the Internal Audit Department of WCSD,
2 was violated in the handling of allegations against Church. Board Policy 9170 emphasizes the
3 independence and objectivity of the Internal Audit Department. It mandates that internal auditors
4 remain free from interference in selecting audit areas, evaluating them, or in reporting findings to
5 maintain independence and objectivity. The sequence of events leading to and following the
6 allegations against Church shows deviation from these principles. The manner in which the
7 allegations were brought to Church, particularly the lack of transparency and the subsequent refusal
8 to conduct an independent investigation, raises questions about the objectivity and independence of
9 the process. The policy outlines the Internal Audit Department's role in evaluating and improving
10 the organization's governance, risk management, and internal control effectiveness. Failing to
11 investigate allegations of misconduct, especially when there is evidence (such as surveillance video)
12 exonerating the accused party, shows a failure to effectively address risks to WCSD's governance
13 and reputation, and is a violation of Board Policy 9170.

16 35. The response to Church's demand for an investigation by Mr. Rombardo, especially
17 considering the existence of exculpatory evidence, also demonstrates a lack of appropriate action in
18 response to the findings related to the allegations against him. This is further compounded by the
19 public dispute over the accusations, which could have been mitigated through a timely and thorough
20 and impartial investigation, *as required by WCSD policy*. The apparent reluctance to investigate or
21 even acknowledge the potential for misconduct in the allegations or the handling of allegations
22 against Church by Mr. Rombardo *is* organizational pressure limiting the Internal Audit Department's
23 ability to execute its responsibilities, especially if the refusal is influenced by political
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1 considerations or the desire to protect the District's interests and reputation at the expense of
2 Church's rights and procedural fairness and transparency.

3 36. Subsection 9 of AR 4425 clearly states that individuals knowingly bringing false
4 accusations will be held responsible for their actions and may be subject to disciplinary action in
5 accordance with applicable state law, District policies, and administrative regulations. This
6 provision implies a mechanism for accountability not just for the perpetrators of harassment but also
7 for those who abuse the complaint process for ulterior motives. Given Church's exoneration through
8 security footage and his repeated calls for an independent investigation, the failure to hold
9 accountable those who made or facilitated the accusations without sufficient evidence contravenes
10 this aspect of the policy.
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12 37. Although AR 4425 emphasizes protection against retaliation for individuals who file
13 complaints, Church's experience shows misuse of policy provisions to silence or discredit him. This
14 is particularly concerning given his role as a critical voice within the board, his history of
15 challenging board decisions, and the political implications of the attacks and accusations against
16 him. The policy's intent to safeguard the complainant's rights and ensure a fair investigation process
17 seems compromised, as Church's attempts to clear his name were met with resistance and claims of
18 confidentiality that prevented a transparent examination of the accusations.
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21 38. The overarching goal of AR 4425 is to create a safe and respectful work environment,
22 free from harassment and discrimination. The manner in which the allegations against Church were
23 handled—particularly the lack of a transparent and thorough investigation, and the immediate public
24 and internal dismissal of his requests for review—undermine this goal. It not only affects Church's
25 reputation and ability to serve effectively but also impacts the overall trust and safety of the
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1 environment for all District employees and furthers the continuing suppression of conservative
2 voices in public life, in Washoe County and beyond.

3 39. The events and responses surrounding the allegations against Church, as outlined in
4 the exhibits attached hereto, show violations of Board Policy 9170 by failing to uphold the
5 principles of independence, objectivity, and thorough evaluation and improvement of the
6 organization's governance and risk management practices. Failure to conduct an independent
7 investigation, despite clear procedures and the presence of exculpatory evidence, deviates from the
8 policy's intent to ensure a systematic and disciplined approach to evaluating and improving the
9 District's operations.
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11 40. The failure to investigate the false allegations against Church, the lack of
12 accountability for those allegations, and the broader implications of these actions, when viewed
13 through the lens of AR 4425 and Board Policy 9170, show a violation of the policies' provisions for
14 objectivity, independence, and the creation of a safe and respectful work environment. WCSD's
15 actions contravene the District's stated commitments to fairness, accountability, and the protection of
16 all individuals within its governance structure - including Church.
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18 41. A writ of mandamus is available to compel the performance of an act that the law
19 requires as a duty resulting from an office, trust or station, see NRS 34.160, or to control an arbitrary
20 or capricious exercise of discretion. See *Round Hill Gen. Imp. Dist. v. Newman*, 97 Nev. 601, 637
21 P.2d 534 (1981). A writ of mandamus should be issued where a respondent has "a clear, present
22 legal duty to act." Mandamus will only overturn discretionary actions where "discretion is
23 manifestly abused or is exercised arbitrarily or capriciously." *Id.* at 603. An arbitrary or capricious
24 exercise of discretion is one founded on prejudice or preference rather than reason or one that is
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1 contrary to the evidence or established rules of law. Abuse of discretion occurs when the law is
2 misinterpreted, overridden or misapplied. *State v. Eighth Judicial District Court*, 127 Nev. 927,
3 931-932, 267 P.3d 777, 780 (2011). In other words, an abuse of discretion occurs when a ruling is
4 based on an erroneous view of the law and when rules and principles of law are disregarded to the
5 substantial prejudice of a party.
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7 42. Based on the provisions of AR 4425 and Board Policy 9170, the WCSD was required
8 to conduct a thorough and impartial investigation into the allegations against Church. Under its own
9 rules and policies, whether or not to conduct an investigation under these circumstances is not a
10 discretionary act. AR 4425 explicitly mandates investigations into complaints of harassment, sexual
11 harassment, and intimidation, highlighting that false accusations must result in accountability for the
12 accuser, thereby ensuring the integrity of the complaint process and safeguarding the rights of all
13 parties involved. Concurrently, Board Policy 9170 establishes the Internal Audit Department's role
14 in evaluating and improving the effectiveness of the organization's governance, risk management,
15 and internal controls, which includes ensuring a transparent and unbiased review process for all
16 allegations that could impact the District's operations and reputation. The failure to investigate,
17 coupled with the lack of transparency and accountability, not only contravenes the clear directives of
18 AR 4425 but also undermines the principles of independence, objectivity, and the systematic
19 approach to risk management as outlined in Board Policy 9170. Thus, Stark's actions, or lack
20 thereof, in response to the allegations against Church failed to adhere to its own regulations and
21 policies, compromising both the integrity of its governance and its commitment to a fair and
22 respectful work environment, constituting an abuse of discretion.
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1 43. Given the circumstances outlined in AR 4425 and Board Policy 9170 regarding the
2 allegations against Church, even if the decision to initiate an investigation into such allegations falls
3 within the discretionary authority of Starkey, it is evident that this discretion was manifestly abused
4 or exercised arbitrarily and capriciously. Discretion in policy implementation, particularly
5 concerning investigations of alleged misconduct, is intended to allow institutions like WCSD to
6 apply judgment and adaptability in diverse situations. However, this discretion comes with the
7 implicit responsibility to act in a manner that is consistent, fair, and grounded in the principles of
8 justice and organizational integrity outlined in their own policies. Simply ignoring Church’s urgent
9 request is a manifest abuse of discretion, given the seriousness of the allegations and the damage to
10 Church’s standing as a Trustee of WCSD.
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12 44. The failure to investigate the allegations against Church, despite clear procedures for
13 handling such matters and the presence of exculpatory evidence (security footage proving Church's
14 innocence), is a clear departure from the guiding principles of WCSD’s own rules and past practices.
15 The selective application of discretion in this context, particularly in ignoring the policy mandate to
16 address false accusations and to uphold governance, risk management, and internal control
17 effectiveness, demonstrates an abuse of that discretion. This is further compounded by the
18 implications of a lack of transparency, accountability, and fairness, which are core to the integrity of
19 any organizational governance structure, nit just WCSD.
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21 45. Moreover, the arbitrary dismissal of Church’s requests for an independent
22 investigation, coupled with the subsequent public and internal narratives that contradicted the
23 available evidence, reflects an abuse of discretion inconsistent with the terms of AR 4425 and Board
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1 Policy 9170. Such actions undermine the credibility and accountability mechanisms within WCSD
2 and compromise the work environment's trust and safety for all individuals involved.

3 46. NRS 34.170 requires that a writ of mandamus shall issue in all cases where there is no
4 plain, speedy and adequate remedy in the ordinary course of law. This Court is authorized to issue a
5 Writ to compel a performance legally required. NRS 34.160. An application for Writ may be made
6 without notice to the adverse party and a hearing on the Writ may be had at any time. NRS 34.180
7 and NRS 34.200. When the Writ is applied for without notice and the Writ is allowed by the Court,
8 an Alternative Writ shall be first issued. NRS 34.200. In this regard, NRS 34.190(2) provides: "The
9 alternative writ shall state generally the allegation against the party to whom it is directed, and
10 command such party, immediately after receipt of the writ, or at some other specified time, to do the
11 act required to be performed, or to show cause before the court, at a specified time and place, why
12 the party has not done so."

13 14 47. Exhibit 13 demonstrates that WCSD has previously commissioned an independent
15 investigation to address legal matters concerning a trustee's actions and their implications. The
16 investigation into former Trustee Jacqueline Calvert's residency and its effects on her votes and
17 quorum presence set a precedent for conducting such reviews when allegations could significantly
18 impact the governance and integrity of the WCSD. Trustee Church has faced allegations of
19 misconduct and harassment, as outlined in Exhibits 2 through 7. Despite evidence exonerating
20 Church (e.g., surveillance video), WCSD has refrained from conducting an independent
21 investigation into these allegations, potentially violating its policies and procedures.

22 23 48. Rombardo's rationale that conducting an investigation contravenes the WCSD's
24 express policies by making public the identities of anonymous reporters does not align with AR
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1 9166's provisions, which allow for confidentiality and the engagement of external agencies to
2 maintain the investigation's integrity, if required. The decision to deny an investigation, citing
3 reasons that protect the District's interests while completely overlooking Church's interests,
4 underscores an abuse of discretion. AR 9166 was designed to facilitate administrative investigations
5 that protect all parties' rights as well as WCSD's integrity. Rombardo's unilateral decision to deny
6 Church's request for an investigation by Mr. Starkey or an independent third party, without
7 considering the regulation's mechanisms for conducting confidential and objective inquiries,
8 highlights a significant misapplication of the regulation's provisions and an abuse of the discretion
9 afforded to his office.
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12 49. Board Policy 9170 explicitly mandates the independence and objectivity of the
13 Internal Audit Department, ensuring it remains free from interference in audit selection, scope,
14 procedures, frequency, timing, or report content. This policy is designed to uphold an independent
15 and objective stance in evaluating and improving the organization's governance, risk management,
16 and internal control systems. In contrast, the Office of the General Counsel, led by Mr. Rombardo, is
17 inherently positioned to protect the district's legal interests, which will bias the handling of internal
18 investigations, especially those involving high-profile or contentious issues. The allegations against
19 Church, as detailed in the Exhibits attached hereto, highlight concerns that directly impact the
20 governance and operational integrity of the WCSD. These include issues of harassment, the
21 potential misuse of policy to silence dissent from conservatives like Church, and the broader
22 implications for the district's governance climate. The Internal Audit Department, under Mr. Starkey,
23 is tasked with evaluating such risks to the organization's governance and internal controls - NOT the
24 office of General Counsel under Mr. Rombardo. Given the gravity of the allegations and the
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1 subsequent public and internal discourse, an independent investigation by an independent third party
2 is consistent with the objectives of ensuring thorough evaluation and management of organizational
3 risks under WCSD’s regulations and policies.

4 50. Church is committed to running for reelection to his Trustee position in March and is
5 unequivocally hindered by the false allegations made against him, as such accusations can
6 significantly impair a political candidate's chances. His proactive stance in seeking to clear his name
7 clearly signals his ongoing commitment to public service and educational policy, despite the
8 difficulties he faces at WCSD. The unfounded allegations threaten to tarnish his reputation, skew
9 public perception through one-sided narratives of WCSD, and divert resources to address these
10 claims. This situation not only erodes voter trust—an indispensable element in any election—but
11 also potentially alienates supporters, placing Church at a considerable disadvantage. In the political
12 arena, where integrity and public image are crucial, the repercussions of these allegations, despite
13 being baseless, could critically compromise Church's campaign for reelection.

14 51. Further, the nature of the allegations against Church raises issues related to Church’s
15 14th Amendment Liberty Interest Due Process right to a “name clearing” hearing. Liberty interests
16 are at issue if a charge of improper conduct impairs a person’s reputation for honesty or morality.
17 *Vanelli v. Reynolds School District No. 7*, 667 F.2d 773 (9th Cir. 1982). In a clear and colorful case,
18 *Wisconsin v. Constantineau*, 400 U.S. 433, 437, 91 S. Ct. 507, 510 (1971), the Supreme Court
19 emphasized that the government may not impose a grievous loss to a person’s reputation without
20 due process. Wisconsin law provided for the posting of notices prohibiting the sale of alcohol to
21 persons identified on a list as excessive drinkers, without ever providing the right of listed persons
22 to contest the placement of their name on the list. The Court described the list as “degrading,” and
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1 held that “Where a person's good name, reputation, honor, or integrity is at stake because of what
2 the government is doing to him, notice and an opportunity to be heard are essential.” *Id.* The
3 accusation of harassment, as well as Board President Smith’s public accusation that Church is lying
4 about what occurred, are sufficiently severe accusations such that an investigation and
5 name-clearing hearing based on the findings should occur.
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7 52. Per NRS 34.160, this Court should issue a writ of mandamus to compel Mr. Starkey
8 to initiate a timely and independent investigation into the allegations against Church. The law
9 requires the performance of an act that the law recognizes as a duty. In this case, an independent
10 investigation into the allegations is such a duty, especially in light of WCSD's own policies and the
11 precedent set by the investigation into Calvert's actions described above.
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13 53. Church contends that Mr. Starkey, a CPA, lacks the necessary expertise to conduct
14 such an investigation and that, ideally, it should be expeditiously conducted by an objective outside
15 third party. Moreover, since Mr. Starkey reports to the board, Church believes this places him in an
16 unsustainable position. Church believes the allegations by the two female employees may be part of
17 a larger scheme to undermine him orchestrated by higher authorities within the District, possibly
18 involving Board members and WCSD’s General Counsel, Mr. Rombardo.
19

20 WHEREFORE, Petitioner requests relief as follows:

- 21 1. For a Writ commanding Respondent to direct that an expeditious independent
22 investigation be conducted into the false allegations of harassment against Trustee
23 Church by an independent investigative party;
- 24 2. For an award of Petitioner’s costs and attorney fees; and
- 25 3. For such other relief as this Court deems proper.
26

1 **DECLARATION OF JEFF CHURCH**

2 I, Jeff Church, pursuant to NRS 53.045, declare and state as follows:

- 3 1. I am the Petitioner to this action.
- 4 2. I have read the Ex-Parte Petition for Writ of Mandamus/Application for Order and
- 5 know the contents thereof, that the same is true to my knowledge, except for those matters
- 6 stated on information and belief, and as to those matters, I believe them to be true.
- 7 3. I intend to run for elective office and likely re-election with filing in March for my
- 8 term expiring January 2024.
- 9 4. The Petition is being filed in good faith and not interposed for undue delay.
- 10 5. I made the request for an investigation as described in the Petition above. To date, to
- 11 my knowledge, no investigation has taken place.
- 12
- 13

14 I declare under penalty of perjury by the laws of the State of Nevada that the foregoing is
15 true and correct.

16 Dated this: _____

17 _____

18 Jeff Church

EXHIBIT LIST

- Ex 1 - Washoe - Nevada Accountability Portal.pdf
- Ex 2 - WCSD Board leaders accuse Trustee Jeff Church of misconduct.pdf
- Ex 3 - Why could WCSD Trustee Jeff Church be censured_.pdf
- Ex 4 - WCSD cancels agenda item to talk about misconduct of Trustee Jeff Church.pdf
- Ex 5 - PDR response with data.pdf
- Ex 6 - Sex Har Complaint Dec 2023.pdf
- Ex 7 - Jeff Church says he was falsely accused of sexual harassment by board leaders.pdf
- Ex 8 - Rombardo denial email.pdf
- Ex 9 - Updated_ WCSD Trustee says he was accused of sexual harassment; Board President says he is lying.pdf
- Ex 10 - Jan 5 2024 Letter re Investigation FINAL.pdf
- Ex 11 - Emails re Investigation.pdf
- Ex 12 - Washoe County school trustee demands harassment investigation.pdf
- Ex 13 - Gunderson Investigation.pdf
- Ex 14 - Org Chart.pdf
- Ex 15 - Fraud Waste and Abuse Hotline.pdf
- Ex 16 - Church Complaint to Chief Auditor.pdf
- Ex 17 - Starkey Email.pdf
- Ex 18 - AR 4425.pdf
- Ex 19 - BP 9300.pdf
- Ex 20 - AR 9166.pdf
- Ex 21 - 9170 Policy-Internal Audit-v2 FINAL.pdf

1 **CERTIFICATE OF SERVICE**

2 I certify that on the date shown below, I caused service to be completed of a true and correct
3 copy of the foregoing by:

4 _____ personally delivering;

5 _____ delivery via Reno/Carson Messenger Service;

6 _____ sending via Federal Express (or other overnight delivery service);

7 x depositing for mailing in the U.S. mail, with sufficient postage affixed thereto; or,

8 x delivery via electronic means (fax, eflex, NEF, etc.) to:

9
10
11 Neil Rombardo
12 General Counsel
13 Washoe County School District
14 P.O. Box 30425
15 Reno, NV 89520-3425

16 Dated: March 1, 2024

17 By: /s/ Luke Busby, Esq. _____
18 LUKE A. BUSBY, ESQ.
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21 Reno, NV 89509
22 775-453-0112
23 luke@lukeandrewbusbyltd.com
24
25
26
27