

The following investigation and report were conducted/generated by an independent investigator hired by the Whitnall School Board President. Whitnall School Board members that participated in questioning, did so voluntarily. All thoughts, opinions and speculation contained in the report are those solely of the investigator and those of the individuals involved in the process and do not reflect the thoughts and opinions of the Whitnall School Board as a whole. The total cost of this investigation came to: \$21,366.50.

**TO:** Whitnall School Board

**FROM:** Attolles Law, s.c.

**RE:** Review of April 24, 2023 Board Election

**DATE:** August 28, 2023

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### **EXECUTIVE SUMMARY**

On May 15, 2023, the Whitnall School Board retained Attolles Law, s.c. to conduct a review of its April 24, 2023, annual reorganization meeting and specifically the election of school board president (hereinafter “Board Election”) in light of substantiated evidence that former District employee Ms. Shari Rodriguez had tampered with the Board election. In short, while numerous material questions remain, there is no direct evidence that District Administration or other District Office staff directed or encouraged a manipulation of the April 24 Board Election by Rodriguez.

Based on a thorough review of relevant documents provided to Counsel during the interview process, including a key Greenfield Police Department Incident Report, and numerous interview statements, several consistencies were established – Ms. Rodriguez did not appear to have any close relationships in the office, there seemed to be genuine surprise at the fact she attempted to influence the Board election, there did not appear to be any evidence that she had any direct involvement with political organizations that were attempting to influence the Board elections, there did not appear to be any direct evidence suggesting that Administration or other District Office staff directed any involvement in the Board election, and nearly all of the interviewees lacked any ability to pinpoint a reason for Rodriguez’s actions.

*However*, while there was consistency in the above themes, there were three key factual inconsistencies that should be considered material. First, while some interviewees described Rodriguez as being extremely nervous the day of the election, others described her as upbeat or no more nervous than one would normally be in a setting like the one Rodriguez was in. Second, the descriptions of the relationship between the Board and Administration were inconsistent. Some interviewees described tension and a negative relationship while others pointed out there had been insufficient time to even establish a relationship between the new Board and the current Administration. Third, and most importantly, were the inconsistent explanations offered by

Rodriguez as to why she took the action she did. At various points in the Incident Report she notes the fact that she was overworked having to address the needs of the Superintendent Lisa Olson, Director of Instruction Katy Williams, and the Board. However, according to the interviews with Administration, Rodriguez stated she took the actions she did “to protect OLSON from the school board, as the new board could have made OLSON’s life more difficult” and because “she did not want the bad guys to win.”

In addition to these key inconsistencies, several important issues remain unresolved and will likely need to be addressed for the Board and Administration to move forward in a constructive manner. First, the pre-election activity of certain members of the District Office staff (along with the explanations provided by Administration regarding the activity) feeds the narrative that the Administration and/or other District Office staff had preferred candidates and may have been willing to use influence to benefit or harm certain candidates. Second, there seemed to be a lack of closure for the Board. Administration’s refusal to allow Rodriguez to meet with the Board and explain her actions appears to have been interpreted as a “refusal” on the part of Rodriguez. While it is unlikely an appearance by Rodriguez before the Board following the Board Election would have resulted in anything other than the termination of her employment, it could have allowed the Board to hear directly from Rodriguez as to why she took the actions she did. Third, the significant discrepancy in the statements made by Rodriguez to Officer Birschbach and those she allegedly made to the Superintendent and Human Resources Director Cindy Mixon was not addressed in the Incident Report. Finally, despite the thoroughness of the Incident Report and this investigation, it remains unclear exactly **why** Rodriguez took the action she did. The Board and the public are only left to wonder why such an employee of the District would take such brazen action. As a result of these unanswered questions and apparent discrepancies, it is imperative that Administration and the Board work in concert to advance the interests of the District. Our analysis follows.

## BACKGROUND

**Pre-Election Communications.** Several communications from prior to the April 24, 2023 Board Election were provided to Counsel that are relevant to this analysis.<sup>1</sup> On October 7, 2022, Kara Raisanen provided an email to Superintendent Olson and the School Board. In her original email she seeks information relating to the removal of comments to a District Facebook post and the identity of a “Richard Garland,” who she claimed used a “fake account to troll.” *See* Ex. A at 15-16. The next day Superintendent Olson responded, noting “[t]here are times in which comments may be removed if they meet criteria” and that Raisanen was making an “assumption that a person is blocked from our Facebook page.” *Id.* at 12. With respect to “Garland,” Superintendent Olson noted she had “never witnessed the Richard Garland FaceBook account make inflammatory

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<sup>1</sup> Each interviewee was provided with a “Request for Interview relating to April 24 Board Reorganization Vote” via email. In addition to referencing a “litigation hold” from Administration, Counsel made clear “[a]ny relevant information relating to the April 24 election should be preserved and directed to my attention upon request.” While some interviewees independently provided relevant communications and other relevant documents, *all* interviewees were provided with the opportunity to provide relevant documents and communications or to otherwise communicate with Counsel following an interview. Obviously by refusing to agree to an interview, certain individuals may have limited their ability to provide relevant documents. However, even if one refused to interview, Counsel would have reviewed any relevant information received by him at any point in the investigation for purposes of determining whether the information would be included in the report.

comments or any comments, in fact. The account does ‘Like’ or ‘Love’ posts from the district.” *Id.* at 13. In addition, she noted “anyone must have a personal FaceBook account in order to have a business FaceBook account. When the Whitnall FaceBook account was taken over when our current communications coordinator joined Whitnall in 2016, he used his personal FaceBook account to be the administrator of the Whitnall FaceBook account.” *Id.* She concluded by explaining the District’s Communications Coordinator “made a decision to eliminate his personal FaceBook account almost two years ago and had to then create a generic personal FaceBook account for the sole purpose of being able to be an administrator of the Whitnall FaceBook account.” *Id.* at 14. In explaining this was not trolling nor anonymous, she explained “[t]here is nothing that prohibits an employee from liking a school district post.” *Id.* On October 10, Raisanen responded by asking why “Brian AP” is “not searchable on the page and according to his wife, he did not remove himself from the WSD site.” *Id.* at 8. The response claimed examples of “trolling” on social media outside of District pages were included and that “Richard Garland AKA Logan was on election pages.” *Id.* Going on, the email claimed the “Richard Garland” page was “liking certain candidates’ posts on their campaign pages (Cohn – a post he had on 1/25/22 and Butz) however interestingly enough, those ‘likes’ have since been removed.” *Id.* at 9. The email argued “fake accounts” are not allowed on Facebook. *Id.*

Superintendent Olson determined on October 12 “there has been no violation of district protocol, Facebook standards, or legal guidance.” *Id.* at 5. With respect to the “blocking” or hiding of comments, she explained “[c]omments on the post in question were moderated for violating our page/group guidelines” and that “Brian AP was not removed or blocked from Whitnall’s Facebook page.” *Id.* With respect to the Garland account, she also explained the account is “a completely blank profile. It is not an account made to look like a real person” and that the “name had zero significance and, if it’s any consolation, we have changed the name to ‘Flash Falcon.’” *Id.* at 6. She took the position “[a]ctivities such as having liked posts from the Greenfield Fire Chief, following the Greenfield Community Page, following Whitnall parent groups, or liking Whitnall’s posts do not, by any stretch, meet the definition of trolling.” *Id.* at 6-7. She then stated the email would be her last reply on the matter. *Id.* at 7.

On October 18 Raisanen sent a final email, noting Superintendent Olson has “confirmed that his comment was removed because he ‘violated’ something” however she didn’t believe there had been any violent, profane, obscene or hate speech. *Id.* at 1-2. She also stated she believed the Superintendent modified the definition of “fake” in order to “not assume responsibility for the fact that Logan did indeed have a fake account by all definitions provided by Facebook. *Id.* at 2. She also complained that “Garland” attempted to gain access to a private Facebook page called Whitnall Smile. *Id.* at 3. She noted it was “curious why he tried to join the private Whitnall Smile page multiple times despite rejection right during a time when Covid mitigation was a hot/heated topic” and then claimed it was “because he was fishing (or trolling) for information on a group that is private.” *Id.* On October 19, Raisanen followed up her communications with Superintendent Olson by emailing Member Quin, asking why certain comments from Facebook were removed and then stating “I think having a fake account held by administration is concerning and it’s concerning you don’t think so.” *Id.* at 1.

Additional and somewhat related email exchanges took place on March 1, 2023. Laura Fowle, one of the six candidates running in the 2023 Spring Election, emailed Logan Vasquez. She stated

she was “disappointed that district employees such as you and Shari Rodriguez are liking particular candidate posts but not others. *See* Ex. B at 1. In a response she noted he had “blocked” her and found it “interesting that you and Shari seem to be supporting specific candidates. As District level employees, it seems to me that you would both gladly work with whomever gets elected.” *Id.* She additionally noted “District employees should truly be willing and able to work with anyone who is elected” but that the “likes” seemed to indicate otherwise. *Id.* Vasquez began by disagreeing with the suggestion that “because someone does not live in the district and therefore cannot vote, that they should not be invested in the district.” *Id.* He explained “there are limited ways for me (and other non-resident employees to ‘support’ specific candidates” because “[b]eyond a like on Facebook, we cannot vote, place yard signs, etc.” *Id.* Going on, he stated “[i]f you have sensed my personal support for one candidate over another, I will say that my feelings about the upcoming election have been tinged by your campaign publicly criticizing my work, claiming that I produce materials that lack ‘transparency’ and ‘context.’” *Id.* He also addressed the issue of his Facebook account, commenting that he took the steps of removing his personal Facebook account “not as a way to evade this conversation, but as a way to protect my privacy.” *Id.* He claimed “those who seem to be supporting you have found my Facebook, have found my family members’ social media accounts, screenshotting and sharing these URLs for still unknown reasons.” *Id.* Fowle responded by referencing her concerns with her daughter’s success as a middle school student and in addressing the Facebook account question, claimed she had “never even thought of your personal facebook page until today when I noticed district office employees – who will have to work with whatever candidates are elected to the board – were supporting particular candidates during work hours.” *Id.* at 2.

On the same day, Fowle emailed Rodriguez and commented she “noticed that you are always ‘liking’ Facebook posts/profiles of two particular candidates” despite her not being a Whitnall voter. *Id.* at 3. She further explained “[a]s a candidate, I can tell you that it makes me feel like you’re stumping for particular candidates to be elected” and “[i]t’s curious to me as you’re a district employee who works with the board.” *Id.* She felt “it should be that you’re willing and able to work with whatever candidate is elected.” *Id.* She concluded that “it seems that anyone who represents that entire District is best remaining neutral (especially when they’re not community members).” *Id.* Based on the email reviewed by Counsel, there was no response from Rodriguez.

Other communications were provided to Counsel with the suggestion that comments/likes were initiated during the workday. *See* Ex. C. Based on the images provided to Counsel, the exact time comments/likes were made was inconclusive. However, several of the images do seem to suggest the “Richard Garland” account did “like” at least the campaign page of Jon Cohn, an unsuccessful candidate in the Spring 2022 election for the School Board. Other pages “liking” posts included “Gene Larkin” and “Laurie Parker.” As established above, there is no dispute the Garland page did not represent an actual person. It can safely be assumed the Larkin page also does not represent an actual person.<sup>2</sup> It is not clear whether the Parker page represents an actual person. Several of the Larkin comments focus on the alleged partisan nature of certain School Board campaigns, expressing “serious concern with politicizing nonpartisan office.” Finally, a screen image shows the removal of “Richard Garland” from a Facebook group and then a rejection of Garland’s request

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<sup>2</sup> Gene Larkin was a professional baseball player and according to public records currently resides in Eden Prairie, Minnesota.

to join the same group a week later. While the image is inconclusive as to the identity of the group Garland was removed from and then denied entry to, it would appear to corroborate some of the statements made during interviews.

**General Election.** The April 4, 2023 General Election for the Whitnall School Board featured six candidates, with the top three finishers winning seats on the Board. The top three finishers, in the following order, were Rachel Scherrer, Cassie Rainer, and incumbent Jesse Stachowiak. The next three candidates were Laura Fowle, Christopher Adams, and Christopher Porterfield.<sup>3</sup>

**Board Election.** On April 24, 2023 the Board held elections for its leadership positions, electing a President, Vice-President, Treasurer and Clerk. A full review of the events which took place during the Board elections are detailed below in the Greenfield Police Department Incident Report.

**Post-Election Events (including termination).** Following the Election, Superintendent Olson provided Rodriguez with a letter on April 26, 2023, placing her on paid administrative leave, effective immediately. *See* Ex. D. It was explained the purpose of the leave was to “allow us time to review the allegation(s) that involve the School Board Officer Reorganization on April 24, 2023 and alleged election tampering.” *Id.* Rodriguez was advised that the investigation would be “kept as confidential as possible” and instructed that she “maintain complete confidentiality about this situation until our investigation is complete” and that she was “not to have contact with any staff, students or parents.” *Id.*

In response, in an undated letter to the Board, Rodriguez wanted them to know “how truly sorry I am for my lack of judgment and the poor decision I made in the moment on Monday evening.” *See* Ex. E (*see also* April 27, 2023 email from Rodriguez to Mixon attaching same). She took “complete ownership for what I have done” and reflected “back on what led to my decision to do something so out of character for me.” *Id.* She then offered an explanation for the actions she took:

I love Whitnall and am so proud of the many good things that are happening and the progress and growth of our students and district. Employees are happy, the admin team is passionate about their work and our teachers are excited about the direction we are going.

On Monday I could feel the tension in the boardroom and could clearly see that the new board I was working for was divided. This made me sad because each of you have so much to offer to our students, staff and community. It was not my decision to make but in that split second I thought if we had both sides represented you would find common ground to become a cohesive board to continue the good work within the district. I feared that if you were at odds with each other the growth and progress would cease. It was unfair of me to assume or predict how you would work together.

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<sup>3</sup> Full results found here: <https://county.milwaukee.gov/EN/County-Clerk/Off-Nav/Election-Results/4-4-23-Spring-Election>.

*Id.* She concluded by again referencing her “temporary loss of judgment” and asked that the Board “find it in your heart to allow me to earn back your trust and atone for my wrongdoing.” *Id.* On April 27, 2023, in an emergency meeting the School Board authorized Superintendent Olson to terminate Rodriguez’s employment with the District that same evening.<sup>4</sup>

**Board Letter to DA / Police Report.** Following the decision to terminate Rodriguez’s employment with the District, several key documents emerged.

On May 24, 2023 the Board President submitted a letter to the Milwaukee County District Attorney. *See* Ex. F. The letter opens by informing the District Attorney “of circumstances the School Board believes may constitute a violation of Wisconsin’s criminal code, including but not limited to Wis. Stat. § 946.12.” It explained the series of events which transpired at the annual reorganization election for Board President where “Rodriguez distributed paper ballots to each Board member and then collected the completed ballots. Ms. Rodriguez then counted the ballots and announced that there were four votes for Mr. Stachowiak and three votes for Mr. Craig.” It noted that following the questioning of results by one of the members of the Board, “Rodriguez again distributed paper ballots to each Board member and again collected the completed ballots. Ms. Rodriguez then counted the ballots and announced that the results were the same as the first vote, making Mr. Stachowiak the winner.” It also explained the series of events which occurred following the election, including the April 25 receipt of information by Superintendent Olson suggesting Rodriguez had intentionally miscounted the secret ballots for the election of Board President and the April 26 meeting with Rodriguez where Administration confronted her with the allegations, resulting in Rodriguez’s ultimate confession to “intentionally miscounting the secret ballots.” The letter concluded by noting the District was available to “cooperate fully in this matter” and alerting the District Attorney that the Board had retained outside counsel to “conduct a thorough investigation of the events which took place on April 24<sup>th</sup>.”

Over a month later, on May 30, 2023, the Greenfield Police Department issued an Incident Report relating to the April 24 Board election. *See* Ex. G. Officer Jason Birschbach investigated the incident and began by reviewing video of the April 24 meeting. He began by noting “it did appear as though each position had a different colored ballot” and that “even after passing out the last ballot, there were more pieces of blue paper still remaining in RODRIGUEZ’s hands.” *Id.* at 2. He confirmed “RODRIGUEZ reads JASON CRAIG’s name three times and KEVIN STACHOWIAK’s name four times, and announces that the vote is four to three.” *Id.* He then noted “[a] board member then raises her hand and calls for a point of order and asks for a recount of the vote. The board member who calls for this is KAREN MIKOLAINIS ... she takes issue with the fact that there were more ballots in RODRIGUEZ’s hands than there were votes.” *Id.* at 2. He assumed a voice he hears off camera is that of Rodriguez, who he hears state “the only reason she had extras was in case there was a tie and they needed a second ballot.” *Id.* With respect to the second vote, he observed Rodriguez is seen “passing out a blue piece of paper to each board member and this time, there are no additional pieces of paper in her hand after passing out the last ballot.” *Id.*

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<sup>4</sup> Meeting minutes are found here: <https://go.boarddocs.com/wi/whitsd/Board.nsf/Public>.

After reviewing the video, he explained he decided to speak to Rodriguez first and noted he was “unsure of the motive behind what was alleged to have occurred, and so not to possibly tip off anyone else who may have been involved in the alleged incident.” *Id.* On May 23, 2023, he met with Rodriguez and her husband and explained to her “if something had occurred that could be categorized as a crime, it would probably most closely fit a Misconduct in Office charge, which was a felony.” *Id.* at 3. He specifically wanted to “learn the motivations behind whatever occurred and if anyone else was involved.” *Id.* He explained “typically in nonviolent felony cases, if people were open and honest and cooperative, I would verify what they said and then contact them in the future if sufficient probable cause was found for an arrest.” *Id.* After answering several procedural questions, he again emphasized he was “most interested in what the motivations were, if any, for what occurred, and if anyone else was involved who may still be involved in the school.” *Id.* at 4.

Rodriguez responded that “there was no one else involved and this was not her character. She said she had a simple lapse of judgment.” *Id.* at 4. She explained “she had worked in the past with KATHERINE WILLIAMS in New Berlin,” who had “created a whole new position, which would include her working for WILLIAMS, the superintendent and the school board.” *Id.* Rodriguez explained after time went on she received more work and that most of her tasks were deadline-based and that the “school board started to become more of an added challenge.” *Id.* She stated “she knew that KEVIN had been running the school board well as the president and she knew if that changed, it would add another burden to her workload.” *Id.* She again emphasized how she was “overworked.” *Id.* She also noted “it was nothing political, she just figured that if KEVIN was still the president, it would take a number of tasks off of her plate.” *Id.* at 4-5.

Rodriguez again emphasized this was “not the content of her character and she had a terrible lapse in judgment” and “it had been a stupid decision and she thought it was something that was going to make it better, by easing the burden.” *Id.* at 5. Focusing again on the workload, she figured “KEVIN knew how to do things, it was less for her to have to do” and that prior to Rodriguez working at the school, Superintendent Olson “had a full-time person working for her and WILLIAMS was sharing someone who worked part-time.” *Id.* Because of this, she told Superintendent Olson when she was terminated the position “was not a one-person job.” *Id.*

Turning specifically to the Board Members and Superintendent Olson, “the four school board members knew something had happened, as they knew who they voted for” and “she was under the impression that they had conferred with each other after the meeting.” *Id.* Most importantly, she made clear “she thought one of the board members might have wanted to press charges, because she had a problem with OLSON” but that “OLSON had nothing to do with what had happened.” *Id.*

She concluded with several key points regarding her mindset. First, she explained she “did love working at Whitnall” and “she had regrets about what she did, every day.” *Id.* She admitted she should have “spoken up more to OLSON about the fact that she was drowning.” *Id.* at 6. She explained she had more of a relationship with Williams having worked with her at the New Berlin School District for one year and “had been working at Whitnall for about a year but had not started working for OLSON and the school board until last June.” *Id.* She did note she had attended the same church as Superintendent Olson but was “not there very long” and that when she was first hired she mentioned she knew Superintendent Olson but was told Superintendent Olson “had not

recalled what her name was.” *Id.* Ultimately, she confirmed “on the first vote JASON CRAIG had four votes and KEVIN STACHOWIAK had three” but she had “read KEVIN STACHOWIAK’s name four times instead of three and JASON CRAIG’s name three times instead of four.” *Id.*

Next, Officer Birschbach interviewed Superintendent Olson. She began by explaining “the day after the vote she had received a message from the school’s Communication Coordinator LOGAN B. VASQUEZ.” *Id.* Vasquez then told her “he got a phone call after the school board meeting on 04/24/23 and during that call, RODRIGUEZ admitted she had not accurately reported the vote and then “the next day, in person, RODRIGUEZ spoke with VASQUEZ and again confirmed that she had not accurately reported the vote.” *Id.* at 6-7. On the Wednesday following the election Superintendent Olson met with Mixon and the two proceeded to meet with Rodriguez as part of their internal investigation. *Id.* at 7. Rodriguez “did not immediately acknowledge that there had been any issue” and when Superintendent Olson referenced Vasquez, Rodriguez “wondered what he wanted.” *Id.* at 7. When Superintendent Olson explained she had talked to Vasquez the night before and “had some information,” Rodriguez “immediately acknowledged that she switched the votes,” claiming “she had done so to protect OLSON from the school board, as the new board could have made OLSON’s life more difficult.” *Id.* Tellingly, she “made a comment along the lines of she did not want the bad guys to win.” *Id.* Along these lines, she noted “how contentious the relationship between the new board and OLSON was.” *Id.*

Superintendent Olson concluded by emphasizing “she had been unaware that RODRIGUEZ had planned to do anything and would have immediately told her not to, had she known about it.” *Id.* Following the Board meeting where Rodriguez’s termination was confirmed, Rodriguez turned over the ballots which were then provided to the Officer by Human Resources. *Id.* The Officer discussed with Superintendent Olson the need to obtain emails from all of the employees connected with Rodriguez and connected to the incident, “in an effort to help verify that no one else was involved,” noting “OLSON advised that RODRIGUEZ told them that she had acted on her own.” *Id.*

Next, Officer Birschbach interviewed Mixon who recalled Rodriguez stating “she wanted to protect OLSON from the board and that the relationship between the board and OLSON would be contentious.” *Id.* at 8. Additionally, she recalled Rodriguez stating “she did not want the ‘bad guys’ to win or was sick of the ‘bad guys’ winning.” *Id.* Mixon explained that Rodriguez had indicated at one point “she had been overwhelmed at work and did not know what she had been thinking when she had done this.” *Id.* Mixon was surprised by Rodriguez’s actions because she “got along with everyone she worked with and had been very active in helping plan and coordinate things in the office.” *Id.*

Finally, Officer Birschbach interviewed Vasquez, who began by describing how early on the Monday of the day of the election Rodriguez had shown him the ballots she was printing and cutting out and “made the comment that she had thought of keeping an extra one with KEVIN STACHOWIAK’s name on it.” *Id.* While he “did not really think much about the comment and thought she had been joking,” he described how later that night he received a telephone call from Rodriguez, which was unusual because “he had never actually received a phone call from her before.” *Id.* He commented to her he “initially thought she had done what she had said earlier



that day, again stating he thought she was joking about it” but Rodriguez replied “she had, in fact, lied and she did do what she mentioned doing.” *Id.*

Not knowing what to do, the following day at work Rodriguez “came into his office and told him in person what she had done,” saying something along the lines of “I think I'm going to get away with it because one person may not have shared who they voted for.” *Id.* Vasquez told the Officer he felt “bad” but was not sure why she shared the information with him because they were friendly at work but “did not associate with each other outside of work.” *Id.* He did note “everyone at work had been talking about the vote and how surprised they were by the outcome” and that some people had been giving Rodriguez “a lot of sympathy,” which included even providing her with flowers. *Id.*<sup>5</sup>

Officer Birschbach did reach out to Board President Craig to discuss specifically the physical ballots. He noted “[t]here were a total of fourteen ballots for president; however, it does not appear as if all of the original ballots were there, if what RODRIGUEZ told me was accurate. There were a total of eight votes for KEVIN STACHOWIAK and six votes for JASON CRAIG. If what I was told was accurate, there should be eight votes for JASON CRAIG and six votes for KEVIN STACHOWIAK.” *Id.* at 9. Officer Birschbach then contacted each of the Board Members individually. *Id.* at 11.

Officer Birschbach concluded his report by explaining he requested six months of emails from the District’s Network & Systems Manager and “did not locate anything which would indicate anyone else was involved in the misreporting of the school board votes.” *Id.* at 12.<sup>6</sup> Referring back to the physical markings on the ballots, he observed “there did appear to be some consistency in the way people made their marks in the empty boxes next to the names they were voting for” and that the voting group patterns for the other three offices that resulted in a majority of votes “was consistent with the voting group pattern who had voted for CRAIG.” *Id.* However, “one of those ballots [was] missing.” *Id.*

**Referral / Plea.** While the Board interviews were taking place (summarized below) and based on the above Incident Report, a criminal referral was made to the Milwaukee County District Attorney’s Office. On June 22, 2023, a Criminal Complaint was filed in Milwaukee County and included one count of Misconduct in Public Office (Act in Excess of Lawful Authority), contrary to Wis. Stats. 976.12(2) and 939.50(3)(i). A conviction for the offense, which is a Class I Felony, would result in a fine of not more than \$10,000 or imprisonment of not more than three years and six months, or both. *See* Ex. H. The Complaint largely tracked the Incident Report. The Complaint began by referencing Rodriguez’s duty to “act as the sole teller of votes for the School Board election” but that her authority was limited to “announcing the results of the balloting; she had no authority to make any changes to the votes themselves.” *Id.* at 1. Next the Complaint made clear Rodriguez “read the name JC three times and the name KS four times” and when a different board member called for a recount, she again “read out the results and again read JC three times

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<sup>5</sup> While not noted in the Incident Report, additional “sympathy” included communications from Member Brunette, who stated he left a voice message on Rodriguez’s district land line following the Board Election to “give her encouragement.”

<sup>6</sup> Counsel also received and reviewed communications from the District’s IT and did not identify any communications that would suggest coordination between Administration or other District Office staff and Rodriguez.

and KS four times.” *Id.* The “[i]nvestigation revealed that this was not an accurate reporting of the vote” and that in actuality, “JC was the majority winner on each ballot.” *Id.*

The Complaint specifically referenced the investigation interview with Vasquez, noting the following:

LV stated that on April 24, 2023, Rodriguez showed him the ballots she was printing prior to the school board meeting. She made a comment that she had thought about keeping an extra ballot with KS’s name on it. Later that evening, LV received a call from Rodriguez. In that call, Rodriguez admitted that she had lied and gave an extra vote to KS. The following day at work, Rodriguez approached LV and again informed him of what she had done. LV reached out to LO, the school superintendent, and informed her of what happened.

*Id.* With respect to Superintendent Olson, the Complaint referenced her statement that “she met with Rodriguez on April 26, 2023, two days after the vote” but that “[w]hen asked about the vote, Rodriguez did not immediately acknowledge there were any issues.” *Id.* at 2. However, when she brought up the statements made by Vasquez “Rodriguez acknowledged that she switched the votes.” *Id.* It was then confirmed with Rodriguez that “on the first vote, JC actually received four votes and KS received three” and the second vote was the same. *Id.* She stated she did this “because she was working 12-hour days and thought having KS as president would relieve some of her workload.” *Id.* Ultimately, “Rodriguez knew that this was in excess of her lawful authority.” *Id.*

After an initial appearance, issuance of a no contact order with “all members of the Whitnall School Board,” waiver of a preliminary hearing, and entry of a plea of not guilty on July 6, a deferred prosecution agreement hearing was held July 28. As to the one count in the Criminal Complaint, Rodriguez entered the following plea:

Defendant was advised of constitutional rights and maximum penalties, waived all rights and entered a plea of GUILTY. Defendant was examined as to the plea. Parties stipulate to the Criminal Complaint as a factual basis to sustain the guilty plea. Defendant further advised that if he/she is not a US citizen deportation is possible. Court found the defendant guilty as charged in the Criminal Complaint. Court approved the deferred agreement and WITHHELD entry of judgment of conviction.<sup>7</sup>

A review hearing is currently scheduled for October 30, 2023 at 8:30 am before Judge Carolina Stark, Branch 17.

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<sup>7</sup> <https://wcca.wicourts.gov/caseDetail.html?caseNo=2023CF002782&countyNo=40&mode=details>

## ANALYSIS

On June 7 and 15, 2023, Counsel personally met with Board members Brunette, Craig, Mikolainis, Rainer and Scherrer and members of District Administration and other District Office staff, including Mixon, Stacey, Vasquez, Williams, Poss and Superintendent Olson. Despite multiple invitations, Board Members Stachowiak and Stachowiak did not respond and therefore should be deemed to have refused the opportunity to interview with Counsel. In addition, Counsel sent two invitations to Rodriguez but similarly never received a response and therefore should be deemed to have refused the opportunity to interview with Counsel.

While ultimately those invited willingly participated in the interviews (with the exception of those noted above), there was initial hesitation expressed by some. One interviewee noted the following:

Prior to meeting, I do want to express my concern about the intent of this investigation. It is my understanding that the individual responsible for what occurred on April 24th has been identified, has taken responsibility, has been terminated, and that the situation has been referred to the District Attorney. I have provided a full account of my knowledge surrounding the events to a detective from the Greenfield Police Department. I am unclear as to the purpose of an additional interview with your firm, since I have no more information to provide beyond what I have already shared with the authorities, who I trust will adequately investigate the events of April 24th. There's no need to respond to this concern via email; I just felt compelled to express it. Perhaps we can discuss it further when we meet in person.

A different interviewee believed the investigation was “a waste of money.” Despite these sentiments, the interviewees who did ultimately agree to meet provided helpful information. Overall, several themes emerged during the course of the interviews that are described in more detail below.

Below is a summary of key interview points (SR indicates a reference to Shari Rodriguez). The identities of the interviewees have been removed to avoid attribution. The interviewees’ individual points are separated by background color.

Does not know SR personally.
Board hasn't been a board long enough to really have positive/negative relationship with district/community. So doesn't really have an opinion.
SR had no involvement with activists. No political material or magnets to indicate a political affiliation.
Been wondering a lot whether SR acted on her own. Doesn't feel like people he worked with would try to coerce or coordinate with her to achieve an outcome. Doesn't think she was in

“cahoots” with anybody in Administration or other District Office staff. If it was a collaboration, it would be a foolish and transparent act.
People in Administration and other District Office staff generally respect the Board. Generally positive. Never observed staff speaking in cubicles discussing board members or board decisions.
Didn’t observe SR have any interactions with outside groups with a political viewpoint.
SR has only been with District for a year. Friendly enough with her to have her cell number. Left a VM on district landline following the vote giving her encouragement.
Knew SR was really stressed out the day of the election because of the “pay day.”
SR was always cheery and nice. She responded to emails. Doesn’t come into office too often but it seemed like everyone got along well and the opposite had been true under the previous Superintendent.
Unaware of any involvement with political groups.
SR seemed very dedicated to District and loyal to Katie Williams and Lisa Olson.
Other than Williams, SR was new to everyone else in District. Didn’t see any other close relationships.
Does not believe the Superintendent influenced SR and unlikely Williams would.
Truly believes the actions of SR were rogue.
Would think it’s natural District Office staff would discuss board members.
Noted SR refused to meet with the Board at the Thursday special meeting following the organizational meeting and instead sent an email letter.
Didn’t know SR that well. Had only been here for a year. She reported to Superintendent and Dr. Williams, where she previously worked with Williams in New Berlin.
Hard to say what the relationship is between current Board and Administration. Previous relationships were positive. Previous boards had less change.
SR felt the dynamic between the board members had become contentious based on certain candidates “calling out” current board members and the District. Wasn’t aware of her being involved in any campaigns.
Doesn’t know why she did it. Shocking. Very dedicated to her job and became obsessed with the election. Don’t know what would possess someone to do that.
SR came into office earlier that day and indicated she had an extra ballot for Kevin. She had showed him the ballots she was making and cutting out. He laughed and said that wouldn’t be right. Was joking.
That night she calls him and he said he was relieved because he thought she did what she had previously joked about, but she indicated she had lied on the second vote and just hoped nobody would ask for the ballots.
SR immediately came into his office and said “she was in the clear” because Jason had refused to disclose his vote during the debrief.
She knew it wasn’t acceptable because of how long she denied it. People brought her sympathy flowers because she had been accused of this. She was accepting of the sympathy.
Spoke with SR about the elections (i.e. whether a primary would be necessary) but didn’t actually discuss the candidates. Didn’t observe her being involved with any outside groups.
Never observed SR getting involved with a candidate.
Doesn’t know why she would have done what she did. Didn’t know what would have caused it. Still have a hard time wrapping her head around it.

Had always been careful to keep election matters out of the office. As a District, it is not supposed to get involved. It is known knowledge not to campaign for a candidate.
Never heard conversations relating to swaying an election one way or the other. SR never herself expressed an opinion relating to Board members. Never heard others express an opinion.
Doesn't know why SR did what she did. Maybe she felt stressed and felt she needed to do what she did. Doesn't think anybody would ask her to do it.
She denied doing anything wrong. "I wouldn't have done anything."
Following the staff meeting with the Superintendent, everyone was shocked.
Thought a lot about it. Can't come up with a reason as to why SR would do it or why somebody else would pressure her.
Why didn't Craig admit he voted for himself? Was trying to process how it happened.
When canvassers were brought in SR made a comment that he should bring in canvassers that were less partial (not as "mean" to Jesse).
Vasquez and SR were liking candidate FB posts during work hours.
SR had forgotten to place something on the April 24 agenda so in the moment, it didn't seem strange that she was nervous.
The assumption was that Craig didn't want to (or think he could) vote for himself.
After being asked how she was doing, SR responded "I can't believe they would think I lied."
SR admitted the first time through the vote she had an extra ballot and the second time she just read them differently. If she was caught, she would have said "I just misread."
After Williams was told and encouraged not to talk to SR, she was pretty distraught.
After being told the vote didn't make sense in light of the votes for the other officer positions, SR noted maybe Craig didn't vote for himself.
After being told Vasquez had shared the information she told him, she immediately admitted her conduct. Noted she wasn't really in the right mind, admitted it was 4-3 for Craig, and stated she wasn't thinking in the moment.
When asked what should happen next, she simply indicated she should just apologize to the Board.
SR would have immediately been terminated by Administration but she also served the Board.
Did not observe any involvement with candidates or groups.
Nothing the Superintendent would have said that indicated SR should have weighed in. Superintendent doesn't get involved in board elections. Administration has worked through numerous changes in the presidency – 4 <sup>th</sup> board president in seven years.
Very taken aback. SR was a really good employee. Suggesting simply saying "sorry" to the board clearly indicates she was not in the right frame of mind. Only indication that maybe balancing all of the work was too much. Seemed to "not be in right mind" and noted she had forgotten a board agenda.
SR was the "spirit of our culture" in the District office. Everyone got along with her and she was a good employee. In a way a leader in the office. Hard to believe it happened.
Why would the Board call into question the vote? It's like they knew who they would vote for.
Wondered why nobody on the Board would have asked for the ballots to be placed on the table?
Was dumbfounded and couldn't believe it when told SR had notified Vasquez of her actions. SR had no reaction when she was initially told that some were questioning the results of the election. SR kept on saying "I don't know how it happened" but when the Superintendent referenced the information received from Vasquez SR admitted "I did it, I did it."

Wondered if SR knew the consequences. SR indicated she wanted to apologize to the Board and simply said “she wasn’t thinking.”
Tuesday after the Board Election SR had desired to apologize to the Board but the Administration didn’t think it would be appropriate. However, they did allow SR to write a letter to the Board. When SR was being walked out from meeting with human resources she asked if she was going to be fired. Administration didn’t really know that at the time, but it was at that moment SR seemed to realize the severity of the situation.
The conduct of SR was extremely off behavior.
Didn’t observe any outside involvement by SR with campaigns or outside groups. Didn’t hear SR talk about it or notice it in the community.
Everyone knows there will be turnover on boards but the environment in the District Office is very professional. Natural conversations would take place relating to working with whoever is selected in anticipation of a new board. Conversations were really more out of curiosity and not related to plotting, scheming, or influencing. Doesn’t believe any direction was given to SR, either direct or indirect.
Disappointing it turned out this way. The actions of SR caused a lot of work for others. At some point SR asked if the conduct could be criminal. SR indicated she hadn’t slept/eaten in three days following the election. SR was very remorseful for what she did and was seeking help.
Biggest question is why SR told Vasquez who is very private and doesn’t seem to have many internal conversations and doesn’t “mill about.” The two didn’t seem to have had a strong relationship.
No culture that would lead one to think they could manipulate election results.
SR took her role seriously and wanted to do a good job. Referred to District by Williams because she had worked with her before. Wanted to prove that she was worthy of doing this role. Believed it was all internal to SR – believes 150% was all internal and no outside influence. SR had indicated she was protecting herself from working with new board members because it was going to make her life “so difficult.” SR also indicated she was becoming overwhelmed working for Williams, Olson, and the Board so she was simply trying to protect herself from additional work. Ultimately it appeared the actions of SR were the result of stress and anxiety and nobody from Administration or other District Office staff had anything to do with it.
Noted the eye contact between the Superintendent and SR at the April 24 meeting.
Board interactions are very contentious.
Board President has a lot of power to stifle others and control the agenda. Craig’s committee chair selections are likely different than would have been the case under the previous president.
There could have been motivation to exert control beyond SR.
Need to look at unethical behavior (beyond just something illegal).
Believes Administration and other District Office staff have been interested in prior elections. Most concerning was the fake Facebook account run by “Richard Garland.” Witnessed that account active in elections prior to ’22-’23.
Claims the Superintendent contacted ██████████ about ██████████ candidacy. Believes if elected the candidate could have abstained from the few items related to ██████████ and thought it was “misconduct” and a “pressure move” for the Superintendent to call the candidate’s employer during a campaign.

Believes there have been attempts to restrain communications with the Superintendent and Communications Director.
Had very positive interactions with SR so it was very shocking when it was revealed what SR had done. Shocking from the standpoint that there wouldn't have been anything to suggest the new board was going to be contentious. Seemed like the incumbents on the Board were trying to intimidate the new members.
Thought something was wrong all night.
Thought it was odd SR immediately took ownership. She had been jovial and very positive immediately prior to meeting.
Personally did not see SR liking other campaign FB posts but was told it was taking place.
Did not observe SR involved with any outside groups.
Could see a culture (or intimidation factors) that could impact staff, with one example being handbook language prohibiting staff from contacting school board members.
Was aware of Administration's negative view of one board member in particular.
Thought it was very odd that SR seemed so positive yet her response in the letter was that she was concerned about future Board interactions. Somehow narrative got out the four in the majority would have stopped progress. Where would that have come from? The campaigns were very positive – greatest teachers, kids and four areas they wanted to improve was the focus. Fear was planted in her head somewhere. Craig is extremely laid back as Board President. How would somebody be that invested?
Unlikely somebody set it up or set things in motion but could see SR being afraid after hearing the potential loss of jobs if they were in control. Most don't know how much authority the Board president has. How would she know that?
One culture issue, people are afraid of losing their jobs. Positions are often being moved. Cited movement of secretaries. Maybe that contributed to SR doing what she did – the view could be that it's already like this and now this new majority is going to come in and take these jobs away.
SR was a fast learner but was making a transition from an accounts payable position into an administrative assistant position. She wanted to do things right and wanted to please people.
Day of election was a very busy day, including a gallery walk with the board members where they interacted with principals, directors, etc. It was noticed in the board documents that SR didn't include the teacher presentation relating to the school forest on the agenda. This was unusual. Teachers were excited to present. When SR was told the information was not included on the agenda, she seemed very flustered. It was communicated to SR that it was disappointing because the teachers were looking forward to presenting.
SR rushed from the gallery night to the board meeting and seemed very nervous. But because there were new board members (a lot of people would be nervous) it didn't seem like it was that unusual.
After the results were read there was shock. It was thought the incoming members would be the officers, particularly since Scherrer and Rainer seemed to have aligned themselves as a group and to be a united front. Even more shocked a second time. Overall, the meeting was tense and there were awkward long periods of silence.
SR looked exhausted and upset the day after the election. SR showed a picture of her daughter in her role at Children's Hospital in Indiana. There were flowers on SR's desk from Human Resources. Later that night the Superintendent communicated she was going to have to call SR in and "terminate" her because she had discovered she had tampered with the votes.

When the Superintendent shared the information there was shock and anger.
Following her meeting with Human Resources on Wednesday following the election she stated “Jason says he voted for himself so I’m going to have to clear this up.”
Eight years ago SR may have participated in a fundraising dinner for Governor Walker but recently had no real political involvement. SR indicated that her husband would possibly come and stuff mailboxes for school board candidates but he has helped in the past so that wouldn’t be completely out of the ordinary. Claimed SR would show her posts from Dan O’Donnell.
Nothing in the District Office to suggest an environment where SR would feel compelled to manipulate the election.
No direction given by Administration or other District Office staff to manipulate the election.
The hurt from her actions remains. Why did SR think it was her place to manipulate the results?
During Covid some received poor treatment from board members if policies were questioned.
Noted SR and Vasquez “liking” opposing candidate posts as well as the use of a fake profile (Garland and Johnson) and the posting of negative comments.
Noted the transfer of a candidate forum from a student counsel sponsored event to one sponsored by the LWV.
Noted communications from board members to members of the public relating to disapproval of social media posts and directions to refrain from making expressions at board meetings.
Believes there is a lot of manipulative behavior.
Noticed the night of the board election how nervous SR was.
Noticed increased eye contact between Superintendent and SR and a lot of “shaking” by SR.
With respect to climate, anecdotally, from staff is that everyone is afraid to speak up/out or to share an opinion because leadership wishes to micro-manage and control the narrative. Believes the Superintendent and SR were close from a previous church and therefore begs the question of whether it was directed.
Told Greenfield police it doesn’t make sense. SR has nothing to gain from cheating because she had only been employed for about eight months but protecting Superintendent would make sense.
Noted Vasquez and SR are not close. So why would SR have made the call? Her communications to him seem like a very “convenient story.”
Does believe there is a climate of wanting to maintain the status quo and noted the likes on Facebook.
Believes there is a problematic environment. Has heard anecdotally that if a parent speaks out kids are checked by police or even welfare checks. Has been told by other parents that there is a real fear to speak up.
Thinks the environment either stems from the top (Superintendent) or she has no control and staff does whatever they want.

Based on the above consistencies and inconsistencies the following points can be offered for the Board’s consideration.

First, with respect to consistencies, with the exception of Williams, Rodriguez did not appear to have any close relationships in the District Office. While she was described as friendly (even one interviewee going so far as to describe her as representing the “spirit of our culture”) none of the interviewees were able to describe any deep relationship between members of Administration



and/or other District Office staff and Rodriguez that could have served as the basis for the type of influencing that one would expect if Rodriguez had been convinced to take the action she did. Despite her apparent willingness to share her role in the attempt to change the outcome of the Board election with Vasquez, there was no evidence of a close relationship with him. He stated that he was surprised when she shared the information with him and ultimately felt compelled to then share the information with the Superintendent. Rodriguez did appear to have a relationship with Williams based on their prior working relationship in the New Berlin School District but nothing more than a shared professional history. While Olson appears to have known of Rodriguez, the relationship did not seem to be a close one (at least prior to her arrival in the District).

Second, there seemed to be genuine surprise at the fact Rodriguez attempted to influence the Board election. Numerous interviewees stated they were shocked upon learning of her actions and indicated they would not have expected such actions from anyone in the District Office. Even the interviewees who may have expressed some suspicion of or discomfort with Administration or other District Office staff did not identify Rodriguez as an individual that they would have suspected of taking action to undermine the election. In fact, several of these interviewees referenced positive interactions they had recently had with Rodriguez. While statements were offered that she may have been “liking” certain posts during the campaigns, it’s worth noting she was not the only individual “liking” certain posts as the accounts associated with “Gene Larkin” and “Richard Garland” also appeared to be “liking” certain posts.

Third, there did not appear to be any evidence that Rodriguez had any direct involvement with political organizations that were attempting to influence the Board elections. None of the interviewees could point to any evidence suggesting an active role in a political party, policy organization, or policy-focused non-profit organization. One interviewee noted in passing Rodriguez’s possible attendance at a political fundraiser years ago and her occasional reference to commentary from talk radio host Dan O’Donnell; however, no additional information was provided and it was not clear whether her references to O’Donnell were positive or negative.

Fourth, while certain interviewees shared beliefs that the Administration has a tendency to stifle parental and/or staff dissent, there did not appear to be any direct evidence suggesting that Administration or other District Office staff directed any involvement in the Board election (or created a climate whereby such interference would have been found acceptable). In fact, key members of the Administration and District Office staff stated their surprise and disbelief that Rodriguez took the actions she ultimately admitted to.

Finally, nearly all of the interviewees lacked any ability to pinpoint a reason for Rodriguez’s actions. Put differently, while some of the interviewees expressed theories as to why she would have made the decision to interfere in the Board election, none of the interviewees were able to articulate in specific terms or point to specific evidence that would provide an explanation as to *why* should took the actions she did. Again, her lack of involvement with any political or policy organizations and relatively short tenure with the District (which could have been the reason for a lack of close relationships within the District Office) does not provide the basis one would expect for somebody taking the intentional step of influencing a Board election.

*However*, while there was consistency in the above themes, there were three key factual inconsistencies that should be considered material. First, while some interviewees described Rodriguez as being extremely nervous the day of the election, others described her as upbeat or no more nervous than one would normally be in a setting like the one Rodriguez was in. It is difficult to square these seemingly two inconsistent assessments. An individual that was nervous because she was contemplating committing a criminal act in full view of a public board while the meeting was being live streamed would be unlikely to simultaneously appear upbeat and her “normal self.”

Second, the descriptions of the relationship between the Board and Administration were inconsistent. Some interviewees described tension and a negative relationship while others pointed out there had been insufficient time to even establish a relationship between the new Board and the current Administration. This inconsistency is even more difficult to square seeing that the new iteration of the Board had formally assembled for the first time the evening of April 24 following the April 4 Spring General Election. Why certain interviewees described the relationship between the Board and Administration as negative can only be explained by sentiments established during the campaign because the current Board was formally meeting for the *first* time the evening of April 24. Therefore, there simply could not have been any opportunity for the Board and Administration to disagree on District business.

Third, and most importantly, were the inconsistent explanations offered by Rodriguez as to why she took the action she did. At various points in the Incident Report she notes the fact that she was overworked having to address the needs of the Superintendent, Williams, and the Board. She seemed to suggest this was not the intended arrangement and that because of the significant work load and the prospect of having to work with new Board leadership she felt compelled to take action to maintain the status quo. During the first interview with Officer Birschbach, Rodriguez said “she knew that KEVIN had been running the school board well as the president and she knew if that changed, it would add another burden to her workload ... she just figured that if KEVIN was still president, it would take a number of tasks off her plate ... she figured since KEVIN knew how to do things, it was less for her to have to do.” Ex. G at 4-5.

However, according to the interviews with the Superintendent and Mixon, Rodriguez’s rationale for the actions she took were more pointed. According to the Superintendent, Rodriguez told her she took the actions she did “to protect OLSON from the school board, as the new board could have made OLSON’s life more difficult” and because “she did not want the bad guys to win.” *Id.* at 7. Further, she noted “how contentious the relationship between the new board and OLSON was.” *Id.* Mixon shared similar points, claiming Rodriguez stated “she wanted to protect OLSON from the board and that the relationship between the board and OLSON would be contentious.” *Id.* at 8. In addition, Mixon repeated the claim that Rodriguez “did not want the ‘bad guys’ to win or was sick of the ‘bad guys’ winning.” *Id.*

In addition to these key inconsistencies, several important issues remain unresolved and will likely need to be addressed for the Board and Administration to move forward in a constructive manner.

First, the pre-election activity of certain members of District Office staff feeds the narrative that the Administration and/or other District Office staff had preferred candidates and may have been willing to use influence to benefit or harm certain candidates. For example, while the screen shots

provided by several interviewees are inconclusive as to whether “likes” were initiated during work hours or off work hours, they nevertheless establish that certain members of District Office staff were willing to publicly express a positive opinion with respect to certain candidates for the School Board to the exclusion of others (there is no evidence to suggest that all candidates for the School Board were receiving Facebook “likes” from accounts associated with District Office staff). Vasquez essentially admitted to having preferred candidates when he stated “my feelings about the upcoming election have been tinged by your campaign publicly criticizing my work, claiming that I produce materials that lack ‘transparency’ and ‘context.’” Ex. B. at 1. To the extent the “likes” were initiated by “fake” accounts, that only further fueled the perception that the Administration or other District Office staff may have been attempting to influence the elections. The shifting explanation provided by Administration as to why the “Garland” account was established and how active the account had been did not help in improving the perception of Administration and District Office staff as being less than objective.

In addition, while lacking substantial factual support, at least one interviewee referenced direct actions taken by Administration that would suggest a more active role in supporting or opposing particular candidates. For example, one interviewee alleged Administration contacted the employer of ██████████, to talk about a conflict of interest should the candidate prevail in her election. It was alleged that the candidate then had to have a meeting with her employer to discuss the matter. There was also an allegation that statements were made suggesting that candidate Adams would not be eligible to serve on the Board while simultaneously serving as President of the Music and Theater Boosters. To the extent these claims have any validity, they too could feed the narrative that the Administration was willing to engage in supporting or opposing certain candidates.

Second, there seemed to be a lack of closure for the Board. One Board interviewee suggested Rodriguez “refused to meet with the Board at the Thursday special meeting following the organizational meeting and instead sent an email letter.” However, an Administration interviewee indicated Rodriguez “had desired to apologize to the Board but Administration didn’t think it would be appropriate,” instead allowing her to write a letter to the Board. Administration’s refusal to allow Rodriguez to meet with the Board and explain her actions appears to have been interpreted as a “refusal” on the part of Rodriguez. While it is unlikely an appearance by Rodriguez before the Board following the Board Election would have resulted in anything other than the termination of her employment, it could have allowed the Board to hear directly from Rodriguez as to why she took the actions she did and provide closure for the Board. Instead, questions and rumors circulated and likely only made the situation worse for both the Board and Administration.

Third, the above significant discrepancy in the statements made by Rodriguez to Officer Birschbach and those she allegedly made to the Superintendent and Mixon was not addressed in the Incident Report. Rodriguez emphasized to the Officer she simply had a “lapse in judgment” and the motivation for her action was based on her level of work. She specifically made the point to the Officer that “it was nothing political.” *Id.* at 4.<sup>8</sup> However, the statements attributed to

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<sup>8</sup> In addition to her statements in the Incident Report, Rodriguez provided some additional context in her letter to the Board, noting “the tension in the boardroom” and that she could “clearly see that the new board I was working for was divided.” This letter was not analyzed in the Incident Report.

Rodriguez by the Superintendent and Mixon suggest a far more sinister motive. As noted above, the Superintendent and Mixon stated to the Officer that Rodriguez expressed to them her concern with the “bad guys” winning and a need to protect Olson. And despite literally meeting as a formal board for the first time the night of the election, she apparently was concerned with the contentious relationship between the board (again, organizing itself for the first time) and Administration. While the Incident Report was thorough and well organized, the lack of analysis addressing this significant discrepancy may warrant further review. Unfortunately, despite multiple offers to interview, Rodriguez did not respond to the requests and therefore Counsel was unable to discuss the statements with Rodriguez. Moreover, while the Incident Report does not address the apparent discrepancies, it is likely the Officer would consider such an analysis beyond the scope of the Report.

Finally (and somewhat related to the above point), despite the thoroughness of the Incident Report and this investigation, it remains unclear exactly why Rodriguez took the action she did. Because the Incident Report fails to address the discrepancies between the statements Rodriguez made to the Officer and those attributed to her by Administration, the Board and Community are left to continue wondering about the exact motivation. In addition to the discrepancies between the stated motivation and the motivation attributed to her by Administration, the actions taken by Rodriguez only add additional questions. For example, while Rodriguez described her actions as “a simple lapse of judgment” and a “stupid decision,” her actions suggest some planning. *Id.* at 4-5. Vasquez referenced her statements made to him *prior* to the Board meeting – on Monday “RODRIGUEZ has shown him the ballots she was printing and cutting out ... [s]he made the comment that she had thought of keeping an extra one with KEVIN STACHOWIAK’S name on it.” *Id.* at 8. Vasquez thought she was joking but later realized when she called him “she had done what she had said earlier that day.” *Id.* In addition, the actions taken by Rodriguez after the election, i.e. calling Vasquez and admitting to him her involvement but then vehemently denying her actions until Administration referenced her call with Vasquez, suggest a plan to carry out her actions and then motivation to conceal them, as opposed to a simple “lapse of judgment.” This apparent discrepancy does not help in providing context for why she took the action she did.

Unfortunately, even the consistencies noted above only seem to add more questions. Neither the Incident Report nor Counsel’s interviews with members of the Board, Administration, and other District Office staff provide any insight into her motivation. She was a relatively new employee to the District with limited interactions with the Board (especially the newly formed Board) and appeared to have few deep personal connections within the District Office and no apparent ties to political organizations or groups. The Board and the public are only left to wonder why such an employee of the District would take such brazen action.

## CONCLUSION

As a result of these unanswered questions and apparent discrepancies, it is imperative that Administration and the Board work in concert to advance the interests of the District. Following receipt and review of this report, it may be beneficial for the Board and Administration to meet and discuss ways to ensure a climate of trust can be further established.

If you have any questions surrounding this memorandum, please do not hesitate to contact us. We appreciate the opportunity to be of service to the Whitnall School District.