

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
RENO, NEVADA

TRANSCRIPT OF ELECTRONICALLY-RECORDED INTERVIEW
HOWARD ROSENBERG
AUGUST 5, 2014
RENO, NEVADA

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1 RENO, NEVADA, TUESDAY, AUGUST 5, 2014, 2:00 P.M.

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4 MS. DAVIES: Okay. Today's date is August 5th,
5 2014. The time is approximately 2:00 p.m., and this is an
6 interview taking place at the law offices of Kent Robison at
7 71 Washington Street in Reno, Nevada.

8 Present in this interview is myself, Jennifer
9 Davies, Deputy Chief Investigator, along with Mike Malloy and
10 Trustee Howard Rosenberg.

11 And, Howard, you are aware that I am tape
12 recording this?

13 MR. ROSENBERG: Yes.

14 MS. DAVIES: And I have your permission to do so?

15 MR. ROSENBERG: Yes.

16 BY MS. DAVIES:

17 Q. Okay. So what I wanted to talk to you a little
18 bit about today are the events that took place on July 22nd.

19 So what we'll do is I'll kind of let you go
20 through the events, and then we'll go back and kind of break
21 them down a little bit for some specifics.

22 A. Okay.

23 Q. So if you want to just go ahead and start.

24 A. It was a workshop day. We began at, as I
25 remember, 9:00. First was ethics training from the -- oh,

1 good Lord. Karla -- I can't remember her last name. She's
2 the director of the ethics commission.

3 MR. MALLOY: It doesn't matter.

4 MS. DAVIES: Yeah.

5 MR. ROSENBERG: Okay. Yeah. In any case, it was
6 about hour and a half, then we took a break. Then we had the
7 workshop with the BoardDocs people. They are a group that
8 puts your minutes online and, if you know how, can you access
9 minutes from any time in the past, and they were trying to
10 show us how to use this, which was a complete waste of time
11 for me. I (inaudible) like I remember yesterday.

12 Then we took another break, and -- a few minutes,
13 as I remember, Barbara came back into the room and said that
14 there was going to be a closed session with our attorney and
15 asked everybody else to leave.

16 If I remember, we were all sitting where we would
17 normally sit. So it was a long thingamajig. I was closest to
18 the door over here. Pedro was in the room, as I remember, and
19 hit us from a bolt out of the blue about someone had called
20 and said that Pedro was misrepresenting himself as a CPA and
21 that there was a real problem, and we needed to handle this.

22 Pedro said there was a misunderstanding and that
23 this was not, indeed, the case at all. And as I remember --
24 it's been a little bit. As I remember, he left to go out and
25 come back and bring us a copy of his -- what do you call that,

1 his diploma from the University of Illinois --

2 Q. Okay.

3 A. -- saying that he was indeed a CPA. There
4 were -- he made copies for each of us, and then I'm not
5 exactly sure when or how, but he left the room.

6 Randy explained to us at the very beginning while
7 Pedro was still there that this was a meeting between the
8 trustees and their attorney. We could discuss. We could ask
9 for information, but under no circumstances was any action to
10 be taken.

11 And I asked him point blank. I said, "Are we
12 violating the open meeting law?" He said, "Absolutely not.
13 You don't have to worry about that. If, indeed, you're even
14 coming close, I'll stop you before you get there."

15 Q. Okay.

16 A. So I was relatively comfortable.

17 When she said that it was a closed meeting, I
18 thought that it was going to be to talk about something else.
19 I had no idea that any of this had transpired.

20 Q. And when you're talking about "this," you're
21 talking this CPA issue?

22 A. The CPA issue. Yes.

23 Q. Okay.

24 A. That was the bolt out of the blue.

25 Q. Was it President Clark who -- who said to the --

1 the trustees and the other officers that that was the issue
2 that needed to be addressed or discussed?

3 A. It was either her or Mr. Drake, and I'm not sure
4 which. I think it was Barbara.

5 Q. Okay.

6 A. I think it was Barbara.

7 And it was very straightforward. There was a
8 complaint that had come in from someone. We needed to get to
9 the bottom of it, and that's what we were doing.

10 All right. So Pedro left the room, and Barbara
11 said that we really needed to talk about this. Do we need to
12 make this a public meeting? She felt that, indeed, we did.

13 They were mostly shocked more than anything else.
14 I didn't know what to ask. It went -- Randy was asked some
15 questions about legalities. This was of sufficient kind of
16 importance that it needed to be an open meeting in which, you
17 know, we were legitimately able to discuss this and possibly
18 take action.

19 At that particular point, we couldn't. It went
20 back and forth for a bit. There were legal questions as to
21 whether or not the diploma was enough to do what Mr. Martinez
22 obviously thought that it did. There were others that said,
23 "But that's in Illinois. That's not in the State of Nevada,"
24 you know, and back and forth.

25 So Barbara said, "We need to go talk with Pedro.

1 This needs to be an open meeting. I think we need to talk
2 with him about that."

3 She got up, as I remember, Barbara McLaury said,
4 "Well, you're not going to go down there alone. I'll go with
5 you." And Lisa Ruggiero, who's the clerk, also said, "I'll go
6 with you too." And Randy went with them, and they went to
7 talk to Mr. Martinez.

8 MR. MALLOY: Is that where you want to pause,
9 then, and take a --

10 MS. DAVIES: Yeah, we can do that. We can kind
11 of -- and that will break it up. It might be a little bit
12 easier.

13 MR. MALLOY: So we're at the end of the
14 meeting -- the legal gathering.

15 MR. ROSENBERG: Yes.

16 MR. MALLOY: For the time being.

17 MR. ROSENBERG: Yeah. Yeah.

18 MR. MALLOY: Okay.

19 BY MS. DAVIES:

20 Q. So President Clark says initially, "We need to
21 have a closed session" and asks all other staff to leave?

22 A. Yes.

23 Q. And then mentions that there had been this
24 complaint.

25 And I just want to make sure, prior to that

1 moment where she informs the trustees and the officers that
2 the complaint was regarding a CPA issue --

3 A. Um-hum.

4 Q. -- had you been aware of this anonymous complaint
5 prior to that day?

6 A. No.

7 Q. Okay.

8 A. Absolutely not.

9 Q. Had you been aware of any sort of investigation
10 internally that had been conducted by anybody on the Board to
11 kind of vet out whether to prove or disprove the --

12 A. No.

13 Q. Okay.

14 A. No.

15 Q. So Pedro shows the Board --

16 A. Right.

17 Q. -- his certificates.

18 A. Right.

19 Q. How was his demeanor at that point?

20 A. He was agitated.

21 Q. Okay.

22 A. Well, I mean, that's understandable. Come on.

23 Q. Sure.

24 A. But everything was more or less okay. I mean, he
25 just handed everybody the thing. I read it, and I'm not a

1 lawyer. I don't understand these things. I never have. It
2 doesn't say certificate of CPA, you know. It's a little bit
3 strange to look at it. And I was, quite frankly, in shock.

4 Q. And you say "in shock." In shock of what?

5 A. The whole thing. This came out of the blue. I
6 was -- I had been -- I had been worried about the way
7 situations are handled, but I don't like to see anybody hurt
8 under any circumstances. There's a humane way of handling
9 everything. So, now, calm it down and we'll get to this. But
10 I knew nothing about it before. I wasn't prepared for it, and
11 it just hit me.

12 Q. Okay. So then at this point, President Clark,
13 Vice President McLaury --

14 A. McLaury.

15 Q. -- and then Clerk Ruggerio leave with Counsel
16 Drake --

17 A. Yes.

18 Q. -- and go to Superintendent Martinez's office?

19 A. Yes.

20 Q. You were not present --

21 A. No.

22 Q. -- for any of that?

23 A. No.

24 Q. Okay. You stayed back in the board room with --

25 A. Stayed in the board room, very definitely.

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Q. With the other two trustees?

A. There was Mr. Mayer and Mr. Aiazzi.

Q. Okay.

A. The three of us.

Q. Okay. At what point, then, do you the officers and counsel come back to the Board?

A. I can't tell you how much time. It was a while.

Q. Okay.

A. And then they came back in.

Q. And what was discussed when they came back in?

A. All this stuff is tough on me.

Q. That's okay.

A. Naturally, Mr. Martinez was very upset. He wasn't -- he didn't understand what was going on. "If you want me to go, you can buy me out of my contract," you know, that kind of thing. And I'm saying to myself, "No, nobody wants to do that. Relax."

Q. Now, let me ask you -- let me stop you for a second.

Did Superintendent Martinez come back --

A. No.

Q. -- into the board room to say or to share that, or was that information that was shared with you --

A. When -- when the officers and Mr. Drake were --

Q. Okay. Who shared that information that that was

1 what Pedro wanted?

2 A. I don't --

3 Q. Do you remember?

4 A. I don't remember.

5 Q. Okay. But it was shared to the trustees and the
6 officers that it was Pedro's intention to get -- buy --

7 A. Right.

8 Q. -- out of his contract?

9 A. Right.

10 Q. Okay. So then what happened after -- what took
11 place after that?

12 A. It was -- Mr. Drake went back and forth a number
13 of times. The -- I don't want to say negotiations, but, you
14 know, who's going to do what and how much is it going to cost
15 and all that kind of business went back and forth and back and
16 forth. And most everybody was just like -- so I said, "Can I
17 go and talk with him?" "Absolutely not."

18 Q. Who did you ask?

19 A. Everybody. And Ruggerio practically sat in my
20 lap.

21 Q. Okay.

22 A. The toughest thing in the world to do with me is
23 when I see somebody that's in danger of getting hurt, I want
24 to help. And there are times when you should just keep your
25 big mouth shut. This is not one of my strong suits.

1 But Randy looked at me and he said, "Howard, it
2 would not be a good idea." So I sat down and behaved myself.

3 Q. Okay. During that period of time, there was kind
4 of -- like you said, there was negotiations back and forth
5 between the trustees and the officers and --

6 A. Randy was going back and forth.

7 Q. Okay.

8 A. Okay.

9 Q. Can you describe to me the environment or kind of
10 what was going on in the room and how the trustees and the
11 officers, you know, reached a decision to give back to Randy
12 to take to Pedro or how did that go?

13 MR. MALLOY: You said how they reached the
14 decision.

15 MS. DAVIES: Okay.

16 MR. MALLOY: You need to ask if they reached a
17 decision.

18 MS. DAVIES: Okay.

19 BY MS. DAVIES:

20 Q. How did the discussion take place?

21 A. This is what is so confusing to me. I was aware
22 that I'm not supposed to say: What do you think? So I
23 couldn't. So everybody's trying to read everybody else
24 without actually saying anything.

25 And we're looking at each other. Barbara McLaury

1 is practically in tears. John is sitting there -- I mean,
2 he's -- I'm not going to say catatonic, but he's damn close to
3 it. I'm looking at Dave, and Dave's looking at me, and we
4 don't say another thing.

5 And I can't remember, it might have been me
6 saying, "Randy, go back and see", you know, "This is going way
7 too fast. Calm everything down. We can take care of this."
8 And Randy tried a couple of times. There was -- at one point,
9 somebody was trying to do the numbers.

10 Q. Do you remember who that was?

11 A. No, I don't.

12 Q. Okay.

13 A. It wasn't me because I can't add two and two. I
14 can't remember who it was, but I know that I said to myself
15 when they were -- that it was close to \$350,000. That's a
16 great deal of money. And it's taxpayers' money. Why don't we
17 just, you know, cool it down.

18 I wish I could run other things in sequence. I
19 never can. Now, if it's a movie, I can do it.

20 Q. And what I'm trying to kind of figure out is
21 how -- and you had said that there was -- everybody was trying
22 to kind of read each other without saying anything.

23 A. Right. Well, I mean, we were talking to each
24 other.

25 Q. Sure, sure.

1 A. But we were also mindful of the open meeting law.

2 Q. So what I'm trying to figure out is how the
3 information goes back and forth and -- and how, if a decision
4 is made, to offer --

5 A. No.

6 Q. -- Pedro --

7 A. What was happening -- what was happening was
8 Randy would go to Pedro, Pedro would say whatever he said to
9 Randy. Randy would come back and say that, you know, and tell
10 everybody. One or two people -- never -- and I say this in
11 all sincerity and honesty. No one ever said, "What shall we
12 do?"

13 Q. Okay.

14 A. Ever. The thing was Randy would come back with
15 figures, and everybody would just be, you know, that kind of
16 thing.

17 MR. MALLOY: That doesn't show on the tape.

18 MR. ROSENBERG: Sort of shaking their heads.

19 Nobody knew what to say.

20 BY MS. DAVIES:

21 Q. Okay.

22 A. Honestly. I mean, forget the open meeting law
23 and everything else. This is a human being that we know. I
24 mean, there are times I'm so mad at him, I would like to kill
25 him, and I'm sure he feels the same way about me. But he's a

1 human being. Come on. Calm it down. We'll get through this.

2 Most of us are just so, I think, shocked at the
3 whole situation.

4 Q. Okay.

5 A. I mean, where did this come from? Out of
6 nowhere.

7 Q. So did you at any time share with Randy Drake
8 that maybe we should offer him a certain amount?

9 A. No, no.

10 Q. Okay. Do you remember any other trustee or --

11 A. Nope.

12 Q. -- saying, "We should offer him --

13 A. Nope.

14 Q. -- "this"?

15 A. Nope. Nope.

16 Q. Okay.

17 A. Because Randy had told us, as I remember, "This
18 is all stipulated in his contract. If you're going to do this
19 kind of a situation, it's" -- "it's stipulated in his
20 contract." Okay. Fine. It's stipulated in his contract. I
21 don't know what the contract says.

22 MR. MALLOY: Say that a little louder, please.

23 MR. ROSENBERG: I don't know what the contract
24 says. I'm a trustee. I should know. But I didn't. I have
25 read it now four times. I don't understand it. I'm sorry.

1 BY MS. DAVIES:

2 Q. That's okay.

3 And the contract is, you know, it's not of issue
4 here.

5 A. Okay.

6 Q. What I was trying to figure out is, you know, how
7 you go from Pedro saying, "I want this" and Randy comes back
8 and says, "Pedro wants this," and then he goes back to --
9 Randy goes back to Pedro with something different. I'm trying
10 to figure out how Randy gets the information to go back to
11 Pedro.

12 A. I honest to goodness couldn't tell you exactly.

13 Q. Okay.

14 A. I don't remember.

15 Q. And if you don't remember, you don't know, then I
16 can't -- I can't beat it out of you.

17 A. Well, you can try.

18 Q. And so --

19 MR. MALLOY: Just don't worry about it.

20 MR. ROSENBERG: Jennifer, I'm 80 years old. I
21 can't remember.

22 MS. DAVIES: He says he's 80 years old.

23 MR. ROSENBERG: You have to go blab, thanks a
24 lot. I have a problem.

25

1 BY MS. DAVIES:

2 Q. No, I understand.

3 So at what point -- and I'm -- not necessarily
4 time wise, but how does that portion of the gathering or that
5 event end?

6 A. As I remember, they tried -- some people went out
7 into the corridor, and Pedro was leaving. Okay. Fine. Where
8 are you going? But nobody knew what to say. But he was -- he
9 was leaving. All right. Fine. He left.

10 So we decided that we needed to move into
11 someplace a little bit more secure, especially where sound is
12 concerned, because that room leads right directly onto the
13 main entrance of the building.

14 Q. Okay.

15 A. And I -- I think it was Barbara who said, "I
16 think we need to get down to Pedro's office."

17 Q. Okay.

18 A. "It's more secure, and we'll be able to talk
19 more." I was still sitting there. I can remember this. I
20 was still sitting there. Everybody was out the door, and
21 David looked at me and said, "Are you coming?" I mean, I was
22 like -- I got up, naturally, and went after them.

23 We were sitting around the table, trying to
24 decide: Do we -- you know, do we make a statement? How do we
25 tell the staff what's happening? You know, that kind of

1 thing. And that was the nuts and bolts kind of stuff that
2 they were discussing.

3 Q. And you were -- the trustees and the officers
4 were discussing this in --

5 A. In Pedro's office. Yes.

6 Q. And he was -- he had left the building?

7 A. Yes.

8 Q. Okay.

9 A. Yeah.

10 Q. So what happens then after that discussion? You
11 guys discuss do you need to make a statement.

12 A. Yes.

13 Q. Do we -- who do we need to tell?

14 A. The first thing was to get the Communications
15 people in --

16 Q. Okay.

17 A. -- as quickly as possible.

18 And then Tracy Davis, who's the academic side of
19 the house, and Kristin McNeel, who's the operations side of
20 the house, they had to know what had happened.

21 Q. Okay.

22 A. What happens if he doesn't come back and that
23 kind of business.

24 That never bothered me. That's why you have the
25 line of succession that you have. You have the

1 superintendent, the deputy superintendent and so on.

2 Q. Did you believe that he was not going to come
3 back?

4 A. No, absolutely not. But I'm a teacher. I've
5 been a teacher for 54 years. I know that no one is
6 responsible for the entire operation. So, in my mind, calm
7 down a bit. It will be taken care of. There are people here
8 who know what they're doing, and they'll do their jobs. Let's
9 get this straightened away first, and framing what we were
10 going to say was very important.

11 Q. Okay. So who -- who was present -- actually, I
12 take that back.

13 Were you present when President Clark told Deputy
14 Superintendent Tracy Davis about the events that had just
15 taken place?

16 A. I don't remember being there. I don't.

17 Q. Okay. Were you present during the time when
18 President Clark told Chief of Staff Kristin McNeel about the
19 events that took place?

20 A. I don't -- I don't remember being there.

21 As I remember, I was outside of Mr. Martinez's
22 office. There is an old-fashioned desk and chair that you and
23 I used to go to school in back in the year 2, and I was
24 sitting there. Just -- people have to tell me, "Howard, come
25 in here." I mean, I was -- I'm still --

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Q. Okay.

A. This doesn't happen. This does not happen. It's not good for the kids. It's not good for any of us.

Q. Okay.

A. I'm afraid I should know better. I'm older.

Q. So then were you in that annex area when President Clark was talking to Tracy Davis and Kristin McNeel?

A. I'm not sure.

Q. Okay.

A. I was in that area, so yes, she might have been.

Q. Okay.

A. But I remember coming in and opening the refrigerator, getting a Diet Pepsi and not being able to open it.

MR. MALLOY: You have your answer. She doesn't need to --

MS. DAVIES: Right. Right. Absolutely.

MR. ROSENBERG: I don't know what the hell happened.

BY MS. DAVIES:

Q. Were you ever present during a conversation with President Clark and Superintendent Martinez regarding what -- what the outcome or possible events in the future were going to be --

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Q. -- with --

A. No.

Q. Okay.

A. They wouldn't let me.

Q. With his employment?

A. Right. No. They wouldn't let me.

Q. Okay.

A. I'm not kidding you. Lisa was practically sitting on me.

Q. Okay.

A. Which was not unpleasant.

That's a little over (inaudible).

MR. MALLOY: (Inaudible) saying, Howard.

MR. ROSENBERG: I'm not older (inaudible).

MS. DAVIES: It's on two tapes now.

MR. ROSENBERG: Oh, good, good. We'll have a little blackmail going.

MR. MALLOY: We digressed.

MS. DAVIES: We did.

MR. MALLOY: That's all right.

BY MS. DAVIES:

Q. So you had mentioned earlier that, during the meeting when you guys were in the board -- when the trustees and the officers were in the board room, that Randy Drake had given legal advice.

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A. Um-hum.

Q. And I don't want to know what it is.

A. Okay.

Q. It's just a "yes" or "no" question.

A. Yes.

Q. At some point either before -- during these events, did Randy Drake give you as a trustee or the trustees and the officers legal advice?

A. He told us --

MR. MALLOY: Just a "yes" or "no" question.

MR. ROSENBERG: Yes.

BY MS. DAVIES:

Q. Okay. As to what you could or couldn't do?

A. Yes.

Q. Okay. So at what point -- kind of try and wrap up the day. At what point did all of this kind of end?

A. I remember being in Pedro's office. Eileen was here. Michelle was there, and what we were trying to do is craft an announcement that could be made that would do what we needed to do, but keep it as calm and comfortable as is humanly possible.

Q. Okay.

A. And it was wordsmithing the announcement because we knew, naturally, that the newspapers and the television people would want a statement.

1 And I know personally that I need to be very
2 careful what I say to newspapers and to television people,
3 because I've gotten myself into trouble up to my elbows. So I
4 simply look at them and say, "No comment," and they don't
5 believe me because Rosenberg always has a comment.

6 So all I was interested is, what do we do? Then
7 the decision -- there was a decision made that we would all
8 stand behind Barbara while she was making this.

9 Q. And what you're referring to is the public
10 statement --

11 A. Right.

12 Q. -- to the press?

13 A. Yes. Yes.

14 Q. Okay. Were you present during the statement that
15 President Clark made to the leadership team back -- I believe
16 it was back in the board room?

17 MR. MALLOY: So the question is just whether he
18 was there?

19 MS. DAVIES: Correct.

20 MR. ROSENBERG: Yes, I think I was.

21 MS. DAVIES: Okay.

22 MR. ROSENBERG: Yes. Yes, I was.

23 BY MS. DAVIES:

24 Q. Do you remember what was -- what President Clark
25 said to the leadership team?

1 A. No.

2 Q. Okay.

3 MR. MALLOY: The answer was --

4 MR. ROSENBERG: No. But -- but I can't remember
5 exactly.

6 The gist of it was in the next days, do your
7 jobs, please. Take care of the kids. That's all we were
8 interested in.

9 BY MS. DAVIES:

10 Q. Okay. Do you remember anything specifically
11 about Superintendent Martinez and what had just happened?

12 A. No.

13 Q. Okay.

14 MR. MALLOY: What do you mean by that? I didn't
15 understand your question.

16 MS. DAVIES: He says that he remembers President
17 Clark saying, you know, do your job. Take care of the kids.
18 And so I was trying to find out if he remembers anything that
19 she said about whether Superintendent Martinez was on
20 administrative leave --

21 MR. ROSENBERG: No.

22 MS. DAVIES: -- if his contract had been
23 terminated --

24 MR. ROSENBERG: No, no.

25 MS. DAVIES: -- anything specific --

1 MR. ROSENBERG: No. No. No.

2 BY MS. DAVIES:

3 Q. Okay.

4 A. No. (Inaudible).

5 Q. That's okay. I sometimes don't remember
6 yesterday.

7 MR. MALLOY: Yeah, I remember things that
8 happened 50 years ago, but I don't remember what happened
9 20 minutes ago, usually. So don't worry about it.

10 BY MS. DAVIES:

11 Q. So all of the trustees and the officers made an
12 agreement -- made the decision to stand behind --

13 A. Yes.

14 Q. -- President Clark at the press conference?

15 A. At the press conference.

16 Q. Okay. Do you remember what she said at the press
17 conference?

18 A. No, I don't. It was a crafted piece. I should
19 have brought it with me, but I never thought to do it, and she
20 read it.

21 Q. Okay.

22 A. But I don't remember what was said.

23 Q. Do you remember any of the questions or anything
24 that came from the press to --

25 A. Yes, yes.

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Q. Okay.

A. "Is he fired?" That was the first one. "No."
"Has this got anything to do with the Mike Mieras situation?"
"No. They're two totally different things." And there were a
bunch of other stuff. "What are you going to do now," you
know, that kind of business. But no.

There was one question that she was asked, and
she said, "That's something that we can't discuss." I don't
remember what the question was.

Q. Okay.

A. I thought she handled it well. This was rough.
I wouldn't have been able to do it.

Q. Okay. Let's jump ahead to the July 29th meeting
that took place here at counsel's office.

A. Okay.

Q. Were you aware of a statement that President
Clark made on July 31st regarding the events that had taken
place the prior week?

MR. MALLOY: You're confusing me because you
said, "Let's jump to the 29th," and you're asking him
something that happened two days later.

BY MS. DAVIES:

Q. The meeting on the 29th --

A. Right.

Q. -- that ultimately resulted in a statement being

1 made by President Clark on July 31st.

2 A. I don't remember.

3 Q. Okay. Did you ever read a statement from
4 President Clark in regards to Superintendent Martinez
5 returning to work?

6 A. Not that I remember. Not that I remember. I get
7 e-mails and I scan them. I don't read the newspaper. I burn
8 it as quickly as I see it. I said it, and I'll stand by it.

9 MR. MALLOY: How do you feel about that?

10 MS. DAVIES: Exactly. Right?

11 BY MS. DAVIES:

12 Q. So how did you learn that Superintendent Martinez
13 was returning to work?

14 A. I remember we discussed here ramifications and
15 all that kind of business.

16 MR. MALLOY: I don't want you to discuss, please,
17 the content of your discussions with Mr. Robison.

18 MR. ROSENBERG: Right.

19 MR. MALLOY: If she asks you "yes" and "no"
20 questions --

21 MR. ROSENBERG: Okay.

22 MR. MALLOY: -- we'll deal with each one as they
23 come up.

24 MR. ROSENBERG: Okay. How do I handle it now?
25 Ask me another question.

1 BY MS. DAVIES:

2 Q. Did you learn of -- of Superintendent Martinez
3 returning to work from the meeting that you had on the 29th
4 here at counsel's office?

5 MR. MALLOY: So I think if I may paraphrase your
6 question --

7 MS. DAVIES: Yes.

8 MR. MALLOY: -- is that right?

9 MS. DAVIES: Yeah.

10 MR. MALLOY: With your permission.

11 MS. DAVIES: Yeah.

12 MR. MALLOY: I think Jennifer is asking you if
13 you recall that Pedro Martinez returned to work on
14 August 1st --

15 MS. DAVIES: Yes.

16 MR. MALLOY: -- as a result of the statement put
17 out by the president on July 31st. Correct?

18 MS. DAVIES: Correct.

19 MR. MALLOY: Okay.

20 MR. ROSENBERG: Yes. Yes.

21 MS. DAVIES: Okay.

22 MR. ROSENBERG: Yeah.

23 BY MS. DAVIES:

24 Q. So -- okay.

25 But you were not aware of the statement being

1 crafted?

2 A. I -- I was aware that something was going to
3 come.

4 Q. Okay.

5 A. But I had no idea what.

6 Q. Okay. There we go.

7 In reference to a court filing from Kent Robison
8 regarding some deficiencies -- current deficiencies, I
9 believe, of Superintendent Martinez, are you aware of that
10 court filing?

11 A. Yes.

12 Q. Okay. Are you aware of the deficiencies that --

13 A. No, I don't know which they might have put in.

14 Q. Okay. Are you aware of, at this point, any
15 deficiencies that Superintendent Martinez has at this time?

16 A. Sure. We all have deficiencies.

17 Q. Any that would -- never mind.

18 MR. MALLOY: Were you asking him what they are?

19 BY MS. DAVIES:

20 Q. Do you know what they are?

21 A. I know what I think they are.

22 Q. What do you think his current deficiencies are?

23 MR. ROSENBERG: Can I say that?

24 MR. MALLOY: Yes.

25 MR. ROSENBERG: Okay. He treats the Board with

1 complete contempt. By his own admission, he will talk to
2 groups of people on the Board, but not to all of us. There
3 are some people -- he's divisive in that way.

4 I'm not saying that he means to be, but it
5 happens. There's a certain lack of empathy and compassion.

6 Human beings make mistakes. When they do, you
7 put it right as best you can, but you don't go after them with
8 an ax. He tends to do that.

9 He doesn't know as much about education as he
10 thinks he does.

11 There is a directive to members of the faculty
12 and staff: No one is to speak to a member of the Board of
13 Trustees because, quote -- this is what I've been told --
14 "They will stab you in the back," end quote.

15 MR. MALLOY: You're saying that's what he said.

16 MR. ROSENBERG: Yes.

17 MR. MALLOY: Not what the Board said.

18 MR. ROSENBERG: No. That's what he said.

19 For me, the culture of fear in that place is bad,
20 really bad. It's all numbers. Teachers don't teach by
21 numbers, they teach by the individual kid as best you can. So
22 I find it very, very difficult.

23 We have not had a one on one meeting -- I think
24 it's in a year.

25 MR. MALLOY: When you say "we," are you talking

1 about you individually or the Board?

2 MR. ROSENBERG: No, me individually and Pedro --
3 with Pedro.

4 MR. MALLOY: All right.

5 MR. ROSENBERG: We're supposed to, as I
6 understand it, meet at the very least one on one quarterly.

7 BY MS. DAVIES:

8 Q. Okay. Let me ask you specifically: There was a
9 comment that you made, I believe, to the media that -- that
10 these had -- that this had -- had deeper issues than a CPA
11 issue.

12 A. Yes.

13 Q. What were you speaking of?

14 A. His behavior in response to it. It accelerated.
15 I mean, he went -- as far as I could tell from what I'm
16 hearing, he went completely ballistic. He was -- they -- he
17 wasn't tracking more than anything else.

18 It was bad enough that we had the situation, but
19 all attempts to calm the situation down, he wasn't having any.

20 Q. So when you spoke of the, quote/unquote, deeper
21 issues --

22 A. Right.

23 Q. -- you were speaking of Superintendent --

24 A. Right.

25 Q. -- Martinez's behavior?

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A. Yes.

Q. Okay. During the entire event on the 22nd?

A. Yeah.

Q. Okay. Okay.

One last question, and I -- and I know you -- I believe you already answered it, but I just want to clarify: What was your impression at the end of the day of the -- the events that unfolded? Did you believe that Superintendent Martinez was going to be back to work the next day? Did you believe that he --

A. I think I believed at that time that there was going to be more discussion. As I understand what happened afterwards, Mr. Martinez made phone calls and told the world that he had been fired. He hadn't been fired. Nobody wanted to fire him.

And from there, it just sort of -- then we can't say anything. So what do you do? And, you know, when somebody's looking at you and saying you're a bad person and you're dreadful, you want to justify it, and you can't.

And for me, it's been really, really difficult. I've been in this town for a long, long time, and a lot of people that I thought knew me and knew me well don't, evidently. That's frightening. Disappointing.

I'm going to cry is what's going to happen.
Idiot.

1 MR. MALLOY: Don't worry about it, Howard.

2 MR. ROSENBERG: I'm supposed to be a grown-up.

3 MR. MALLOY: Well, we all cry or we all get
4 upset. No worries.

5 MR. ROSENBERG: Let me put it to you this way.
6 In every situation, there's three sides to every story: Your
7 side, my side and the truth. It doesn't mean anybody's lying.
8 It simply means we're seeing things differently. If we can
9 just get to the middle, then a lot of people can avoid being
10 hurt, and I don't want to see anybody hurt.

11 Pedro's a young man. He doesn't need this. We
12 don't need it. There.

13 MS. DAVIES: Okay. I think I don't have any --
14 any other questions at this time.

15 Mike, do you?

16 MR. MALLOY: No, I don't.

17 MS. DAVIES: Okay. Howard, do you have any
18 questions for me?

19 MR. ROSENBERG: No. All can I say to you is I
20 never would willingly break the open meeting law. I've been
21 taught better than that. My attorney would kill me.

22 MR. MALLOY: I wouldn't. That wasn't me.

23 MS. DAVIES: That wasn't you.

24 MR. MALLOY: It wasn't.

25 MR. ROSENBERG: It's Bill Bileu. I'll say it. I

1 don't care.

2 MS. DAVIES: So at this time, I will go ahead and
3 end the interview.

4 The time is approximately 2:37 p.m. It is
5 August 5th, 2014.

6 (Proceedings concluded.)

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1 STATE OF NEVADA,)
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I, Michel Loomis, do hereby certify:

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

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

That the foregoing transcript, consisting of pages 1 through 34, is a full, true and correct transcript of said recorded CD-ROM performed to the best of my ability.

Dated at Carson City, Nevada, this 21st day of August, 2014.

Michel Loomis, Transcriber