

IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND, VIRGINIA

L. DOUGLAS WILDER

c/o Glen Franklin Koontz
KOONTZ | P.C.
A Professional Law Corporation
Post Office Box 1176
Berryville, Virginia 22611

Plaintiff,

c.

Civil Action No.

CL 18-1440-5

MICHAEL RAO

SERVE: Michael Rao
910 W. Franklin Street
Richmond, Virginia 23284

and

GAIL HACKETT

SERVE: Gail Hackett
901 W. Franklin Street
Richmond, Virginia 23284

and

JOHN ACCORDINO

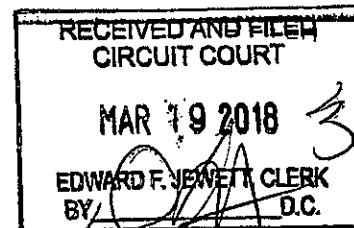
SERVE: John Accordino
923 W. Franklin Street
Richmond, Virginia 23284

and

VIRGINIA COMMONWEALTH UNIVERSITY

SERVE: Michael Rao
910 W. Franklin Street
Richmond, Virginia 23284

Defendants.



COMPLAINT

A. INTRODUCTION

1. This Complaint is brought pursuant to the Virginia Fraud and Abuse Whistle Blower Protection Act ("Act"), Virginia Code §§2.2-3009, *et seq.*
2. It is the policy of the Commonwealth of Virginia that citizens and governmental employees be able to freely report instances of wrongdoing or abuse committed by governmental agencies.

B. JURISDICTION AND VENUE

3. This Court maintains subject matter jurisdiction over this civil action pursuant to, *inter alia*, the provisions of Virginia Code §2.2-3011 (D). Moreover, venue is appropriate in this Court pursuant to the provisions of Virginia Code §2.2-3011 (D).
4. This Court maintains personal jurisdiction over these defendants due to the fact that a) the defendants regularly conduct business and work in the City of Richmond; and, b) all the acts complained of herein, by these defendants, occurred in the City of Richmond.

C. PARTIES

5. Plaintiff L. Douglas Wilder is employed by Virginia Commonwealth University ("VCU") and is a Distinguished Professor at the L. Douglas Wilder School of Government and Public Affairs ("Wilder School").
6. Michael Rao is the President of VCU.
7. Gail Hackett is the Provost of VCU.
8. John Accordino is the Dean of the Wilder School.
9. VCU is a public university established by the Commonwealth of Virginia.

D. STATEMENT OF FACTS

10. VCU and the Wilder School are governmental agencies as contemplated by the Act.
11. L. Douglas Wilder is a citizen and a governmental employee, as contemplated by the Act.
12. On or about November 7, 2017, John Accordino arrived at Professor Wilder's office, while Professor Wilder was absent. John Accordino then proceeded to verbally assault and abuse Ms. Angelica Bega, Professor Wilder's Administrative Assistant.
13. John Accordino called Ms. Bega obscene names, accused her of violating VCU human resources rules, questioned and insulted her intelligence, threatened her employment with VCU, and generally disparaged her humanity.
14. John Accordino's verbal assault and abuse directed to Ms. Bega was such that others within the department, throughout the building, heard his harangue.
15. Dr. Kristine Artello, an associate professor at the Wilder School, notified Professor Wilder of the event, which she heard while sitting in her office with the door closed. Dr. Artello volunteered to provide a written account of John Accordino's abusive behavior.
16. Professor Wilder notified both Provost Hackett and President Rao of John Accordino's abusive behavior and Dr. Artello's account of such abusive behavior. Professor Wilder's notification was made in good faith.
17. Professor Wilder later met in January 2018 with President Rao, Provost Hackett and Kevin Allison, President Rao's Senior Assistant. Professor Wilder met with these individuals in good faith.
18. In the course of the January 2018 meeting, Provost Hackett assured all in attendance that her office's investigation revealed that Ms. Bega was uninterested in filing a complaint against John Accordino.

19. The Provost's "investigation" consisted of Asher Nasim, a Provost office employee, arriving unannounced at Ms. Bega's work one day, insisting on an immediate interview concerning her allegations. Mr. Nasim gave Ms. Bega no notice and no time to prepare. Mr. Nasim did not conduct his "interview" with Ms. Bega in a quiet, confidential VCU facility such as a conference room; rather, Mr. Nasim insisted that Ms. Bega accompany him on a walk through the streets of VCU's Richmond neighborhood. Mr. Nasim questioned Ms. Bega for approximately 45 minutes and took no contemporaneous notes about their discussion.
20. Professor Wilder questioned Provost Hackett's assurances, and in the presence of all in attendance, telephoned Ms. Bega via speakerphone. During that telephone call, Ms. Bega expressed unequivocally her desire that her complaint move forward. Ms. Bega further questioned how Provost Hackett reached her conclusion that Ms. Bega did not wish for her complaint to proceed.
21. Upon being confronted with Ms. Bega's statements, it was conceded that Ms. Bega had never stated that she did not wish for her complaint to move forward. Indeed, Mr. Nasim never asked Ms. Bega if she wished to go forward with her complaint, despite reporting that she did not wish to proceed.
22. Professor Wilder informed President Rao and Provost Hackett that based upon these revelations, it was clear that the Provost's Office was compromised and unable to fairly process Ms. Bega's complaint.
23. Professor Wilder then reported John Accordino's abusive behavior directly to VCU's Human Resources Department and President Rao, identifying it as sexual harassment and racial and sexual discrimination. Professor Wilder's reporting was done in good faith.

24. VCU retained an out-of-State law firm to investigate the claims of sexual harassment and racial and sexual discrimination.
25. Upon information and belief, other, additional claims of sexual harassment and racial discrimination were levied against John Accordino.
26. Upon information and belief, the independent investigators informally informed VCU, Professor Wilder now understands, that the claims against John Accordino were credible and supported by the evidence adduced by the investigation.
27. Despite the presence of the ongoing independent investigation, Provost Hackett's staff, at her direction, confronted Ms. Bega to ensure that she stood by her allegations and wished for her complaint to proceed against John Accordino.
28. President Rao was aware of Provost Hackett's interference with the independent investigation.
29. At no time did VCU take any affirmative steps to protect the complaining staff victimized by John Accordino's abusive, improper and unprofessional behavior. Specifically, VCU failed to even suspend John Accordino, leaving him in a superior and supervisory position over those complaining against him.
30. From his position as Dean of the Wilder School, John Accordino engaged in continued confrontational, abusive behavior towards those staff members who complained about him.
31. Professor Wilder repeatedly implored President Rao to act to address John Accordino's abusive behavior.
32. President Rao refused to act to discipline or restrain John Accordino.

33. Emboldened by President Rao's refusal to restrain or discipline him, John Accordino engaged an attorney and has threatened litigation against Professor Wilder and others, if any steps were taken to address the complaints against him.

E. CAUSE OF ACTION

(Discrimination And Retaliation By Defendants Against Plaintiff)

34. Professor Wilder repeats and incorporates the allegations set forth in paragraphs 1-33.

35. John Accordino's abusive actions toward Ms. Bega and others were unjustified and unprofessional.

36. John Accordino's abusive actions toward Ms. Bega and others contravened VCU rules and regulations, as well as the laws of the Commonwealth of Virginia and the United States of America.

37. John Accordino's abusive actions toward Ms. Bega and others constituted malfeasance and maladministration, in violation of his employment contract and the best interests of VCU.

38. President Rao's refusal to properly address John Accordino's abusive actions constituted malfeasance and maladministration, in violation of his duty to serve the best interests of VCU.

39. Provost Hackett's conduct of a farcical and corrupt investigation into John Accordino's abusive actions, constituted malfeasance and maladministration, in violation of her duty to serve the best interests of VCU.

40. Indeed, VCU's farcical and corrupt investigation into John Accordino's abusive actions continued after its conclusion, including revisiting the matter with Angelica Bega, and with the promotion of Asher Nasim. Professor Wilder submits that these actions were taken with the intent to cover up John Accordino's wrongdoing.

40. Provost Hackett's interference with the independent investigation of John Accordino's abusive actions, constituted malfeasance, maladministration, intimidation and retaliation, in violation of VCU's rules and regulations, the laws of the Commonwealth of Virginia and of the United States of America.
41. President Rao's and Provost Hackett's actions, by omission and by commission, evidence a complicity with John Accordino, ratifying and tolerating his abusive behavior toward VCU staff.
42. By their actions, President Rao, Provost Hackett and John Accordino have violated their duties owed to VCU, as well as their respective employment contracts.
43. The failure of President Rao and Provost Hackett to properly address the complaints against John Accordino has resulted in increased abuse of staff, causing Professor Wilder and others to suffer mental and physical anguish, as well as the loss of reputation and standing in the VCU academic community.
44. As a direct and proximate result of President Rao's, Provost Hackett's and John Accordino's actions, Professor Wilder, Angelica Bega, unnamed other complainants, and the entire VCU academic community have suffered damages.

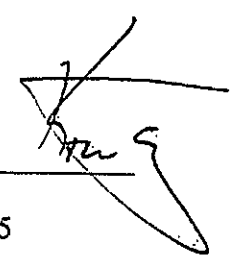

F. PRAYER FOR RELIEF

THEREFORE, Professor Wilder having fully plead his Complaint, seeks judgment and relief from the Court as follows, for:

- i. A Declaratory Judgment against President Rao and Provost Hackett, declaring that they failed in their respective duties to administer their offices in a manner consistent with VCU rules and regulations, their respective employment contracts, the laws of the Commonwealth of

Virginia and the United States of America, as well as the best interests of the VCU academic community;

- ii. A Declaratory Judgment against John Accordino, declaring his abusive actions a violation of VCU rules and regulations, his employment contract, the laws of the Commonwealth of Virginia and the United States of America, as well as the best interests of the VCU academic community;
- iii. A civil penalty be imposed against VCU as provided by Virginia Code §2.2-3011 (D), in the amount of two thousand, five hundred dollars (\$2,500.00);
- iv. An injunction against VCU, its officers and staff, from retaliating further, in the present and in the future, against Professor Wilder, Angelica Bega, and any other VCU staff or faculty member who complained about, or provided evidence concerning, John Accordino's abusive actions;
- v. An award of Professor Wilder's attorneys' fees and costs in bringing this civil action; and
- vi. Such other and further relief as may be provided by law or in equity, as this Court may deem just.



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March 19, 2018

COVER SHEET FOR FILING CIVIL ACTIONS
COMMONWEALTH OF VIRGINIA

Case No. _____
(CLERK'S OFFICE USE ONLY)

IN THE RICHMOND CITY

Circuit Court

L. Douglas Wilder
PLAINTIFF(S)

v./In re: Michael Rao, Gail Hackett, John Accordino and Virginia
DEFENDANT(S)

Commonwealth University

I, the undersigned ☐ plaintiff ☐ defendant ☒ attorney for ☒ plaintiff ☐ defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

GENERAL CIVIL

Subsequent Actions

- ☐ Claim Impleading Third Party Defendant
☐ Monetary Damages
☐ No Monetary Damages
☐ Counterclaim
☐ Monetary Damages
☐ No Monetary Damages
☐ Cross Claim
☐ Interpleader
☐ Reinstatement (other than divorce or driving privileges)
☐ Removal of Case to Federal Court

Business & Contract

- ☐ Attachment
☐ Confessed Judgment
☐ Contract Action
☐ Contract Specific Performance
☐ Detinue
☐ Garnishment

Property

- ☐ Annexation
☐ Condemnation
☐ Ejectment
☐ Encumber/Sell Real Estate
☐ Enforce Vendor's Lien
☐ Escheatment
☐ Establish Boundaries
☐ Landlord/Tenant
☐ Unlawful Detainer
☐ Mechanics Lien
☐ Partition
☐ Quiet Title
☐ Termination of Mineral Rights

Tort

- ☐ Asbestos Litigation
☐ Compromise Settlement
☐ Intentional Tort
☐ Medical Malpractice
☐ Motor Vehicle Tort
☐ Product Liability
☐ Wrongful Death
☐ Other General Tort Liability

ADMINISTRATIVE LAW

- ☐ Appeal/Judicial Review of Decision of (select one)
☐ ABC Board
☐ Board of Zoning
☐ Compensation Board
☐ DMV License Suspension
☐ Employee Grievance Decision
☐ Employment Commission
☐ Local Government
☐ Marine Resources Commission
☐ School Board
☐ Voter Registration
☐ Other Administrative Appeal

DOMESTIC/FAMILY

- ☐ Adoption
☐ Adoption - Foreign
☐ Adult Protection
☐ Annulment
☐ Annulment - Counterclaim/Responsive Pleading
☐ Child Abuse and Neglect - Unfounded Complaint
☐ Civil Contempt
☐ Divorce (select one)
☐ Complaint - Contested*
☐ Complaint - Uncontested*
☐ Counterclaim/Responsive Pleading
☐ Reinstatement - Custody/Visitation/Support/Equitable Distribution
☐ Separate Maintenance
☐ Separate Maintenance Counterclaim

WRITS

- ☐ Certiorari
☐ Habeas Corpus
☐ Mandamus
☐ Prohibition
☐ Quo Warranto

PROBATE/WILLS AND TRUSTS

- ☐ Accounting
☐ Aid and Guidance
☐ Appointment (select one)
☐ Guardian/Conservator
☐ Standby Guardian/Conservator
☐ Custodian/Successor Custodian (UTMA)
☐ Trust (select one)
☐ Impress/Declare/Create
☐ Reformation
☐ Will (select one)
☐ Construe
☐ Contested

MISCELLANEOUS

- ☐ Amend Death Certificate
☐ Appointment (select one)
☐ Church Trustee
☐ Conservator of Peace
☐ Marriage Celebrant
☐ Approval of Transfer of Structured Settlement
☐ Bond Forfeiture Appeal
☒ Declaratory Judgment
☐ Declare Death
☐ Driving Privileges (select one)
☐ Reinstatement pursuant to § 46.2-427
☐ Restoration - Habitual Offender or 3rd Offense
☐ Expungement
☐ Firearms Rights - Restoration
☐ Forfeiture of Property or Money
☐ Freedom of Information
☒ Injunction
☐ Interdiction
☐ Interrogatory
☐ Judgment Lien-Bill to Enforce
☐ Law Enforcement/Public Official Petition
☐ Name Change
☐ Referendum Elections
☐ Sever Order
☐ Taxes (select one)
☐ Correct Erroneous State/Local
☐ Delinquent
☐ Vehicle Confiscation
☐ Voting Rights - Restoration
☒ Other (please specify)
Whistle Blower Protection Act

☒ Damages in the amount of \$ -0- are claimed.

03/19/2018

DATE

Glen Franklin Koontz

PRINT NAME

Post Office Box 1176, Berryville, Virginia 22611 (540.277.2100)

ADDRESS/TELEPHONE NUMBER OF SIGNATOR

gfk@koontzpc.com

EMAIL ADDRESS OF SIGNATOR (OPTIONAL)

FORM CC-1416 (MASTER) PAGE ONE 07/16

RECEIVED AND FILED
CIRCUIT COURT

MAR 19 2018

EDWARD F. JEWETT, CLERK
BY D.C.

☐ PLAINTIFF

☐ DEFENDANT

☒ ATTORNEY FOR

☐ PLAINTIFF

☐ DEFENDANT

*"Contested" divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An "Uncontested" divorce is filed on no fault grounds and none of the above issues are in dispute.

CL 18-1440-

**Civil Action Type Codes
(Clerk's Office Use Only)**

Accounting	ACCT	Ejectment	EJET
Adoption	ADOP	Encumber/Sell Real Estate	RE
Adoption – Foreign	FORA	Enforce Vendor's Lien	VEND
Adult Protection	PROT	Escheatment	ESC
Aid and Guidance	AID	Establish Boundaries	ESTB
Amend Death Certificate	ADC	Expungement	XPUN
Annexation	ANEX	Forfeiture of Property or Money	FORF
Annulment	ANUL	Freedom of Information	FOI
Annulment – Counterclaim/Responsive Pleading ..	ACRP	Garnishment	GARN
Appeal/Judicial Review		Injunction	INJ
ABC Board	ABC	Intentional Tort	ITOR
Board of Zoning	ZONE	Interdiction	INTD
Compensation Board	ACOM	Interpleader	INTP
DMV License Suspension	JR	Interrogatory	INTR
Employment Commission	EMP	Judgment Lien – Bill to Enforce	LIEN
Employment Grievance Decision	GRV	Landlord/Tenant	LT
Local Government	GOVT	Law Enforcement/Public Official Petition	LEP
Marine Resources	MAR	Mechanics Lien	MECH
School Board	JR	Medical Malpractice	MED
Voter Registration	AVOT	Motor Vehicle Tort	MV
Other Administrative Appeal	AAPL	Name Change	NC
Appointment		Other General Tort Liability	GTOR
Conservator of Peace	COP	Partition	PART
Church Trustee	AOCT	Permit, Unconstitutional Grant/Denial by Locality LUC	
Custodian/Successor Custodian (UTMA)	UTMA	Petition – (Miscellaneous)	PET
Guardian/Conservator	APPT	Product Liability	PROD
Marriage Celebrant	ROMC	Quiet Title	QT
Standby Guardian/Conservator	STND	Referendum Elections	ELEC
Approval of Transfer of Structured Settlement	SS	Reinstatement (Other than divorce or driving	
Asbestos Litigation	AL	privileges)	REIN
Attachment	ATT	Removal of Case to Federal Court	REM
Bond Forfeiture Appeal	BFA	Restore Firearms Rights – Felony	RFRF
Child Abuse and Neglect – Unfounded Complaint ..	CAN	Restore Firearms Rights – Review	RFRR
Civil Contempt	CCON	Separate Maintenance	SEP
Claim Impleading Third Party Defendant –		Separate Maintenance – Counterclaim/Responsive	
Monetary Damages/No Monetary Damages	CTP	Pleading	SCRP
Complaint – (Miscellaneous)	COM	Sever Order	SEVR
Compromise Settlement	COMP	Sex Change	COS
Condemnation	COND	Taxes	
Confessed Judgment	CJ	Correct Erroneous State/Local	CTAX
Contract Action	CNTR	Delinquent	DTAX
Contract Specific Performance	PERF	Termination of Mineral Rights	MIN
Counterclaim – Monetary Damages/No Monetary		Trust – Impress/Declare/Create	TRST
Damages	CC	Trust – Reformation	REFT
Cross Claim	CROS	Uniform Foreign Country Money Judgments	RFCJ
Declaratory Judgment	DECL	Unlawful Detainer	UD
Declare Death	DDTH	Vehicle Confiscation	VEH
Detinue	DET	Voting Rights – Restoration	VOTE
Divorce		Will Construction	CNST
Complaint – Contested/Uncontested	DIV	Will Contested	WILL
Counterclaim/Responsive Pleading	DCRP	Writs	
Reinstatement – Custody/Visitation/Support/		Certiorari	WC
Equitable Distribution	CVS	Habeas Corpus	WHC
Driving Privileges		Mandamus	WM
Reinstatement pursuant to § 46.2-427	DRIV	Prohibition	WP
Restoration – Habitual Offender or		Quo Warranto	WQW
3 rd Offense	REST	Wrongful Death	WD