

ANDERSON LAW

2492 North Landing Road, Suite 104
Virginia Beach, Virginia 23456



Tel. (757) 301-3636
Fax (757) 301-3640

*Additional Office Locations By Appointment:
Chesapeake – Hampton - Richmond - Vienna*

March 8, 2021

Richmond Circuit Court
400 North Ninth Street
Richmond VA 23219

Re. Moschetti v. Westfall

Dear Clerk:

Attached, please find a Petition for Declaratory Judgment and Verified Petition for Mandamus that I am asking you to file in your Court.

Once the Judge is assigned, please alert his chambers that we are requesting expedited review of this matter.

Service of the Petition will be via email to the Office of the Attorney General per the COVID-19 protocols at service@oag.state.va.us.

Sincerely,
/s/
Timothy Anderson

COVER SHEET FOR FILING CIVIL ACTIONS

COMMONWEALTH OF VIRGINIA

Case No.

(CLERK'S OFFICE USE ONLY)

Richmond

Circuit Court

Jennifer Moschetti

v./In re:

Michael Westfall, State Inspector General

PLAINTIFF(S)

DEFENDANT(S)

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
[X] 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)

[] Damages in the amount of \$ are claimed.

03/08/2021

DATE

Tim Anderson (signature)

[] PLAINTIFF

[] DEFENDANT

[X] ATTORNEY FOR

[X] PLAINTIFF

[] DEFENDANT

Timothy Anderson

PRINT NAME

2492 N. Landing Rd 104

ADDRESS/TELEPHONE NUMBER OF SIGNATOR

Virginia Beach VA 23456

timanderson@virginialawoffice.com

EMAIL ADDRESS OF SIGNATOR (OPTIONAL)

**"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.

**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

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND

Jennifer A. Moschetti

Petitioner

v.

Case No.

Michael C. Westfall in his official capacity

As State Inspector General

Respondent

PETITION FOR DECLARATORY JUDGMENT

VERIFIED PETITION FOR MANDAMUS

This petition for Declaratory Judgment and Mandamus action is filed pursuant to §2.2-3011 of the Code of Virginia. Due to the sensitive nature of the circumstances, the Mandamus Petition is intentionally written to disclose the most minimal nature of the facts and circumstances. Petitioner will file documents with this Court and give testimony regarding the specific details of the issues involved if the Court so directs.

FACTS

1. Jennifer A. Moschetti is an employee of the Commonwealth of Virginia, specifically employed as an investigator at the Office of the State Inspector General.
2. The Office of the State Inspector General operates primary operations in the City of Richmond, Virginia.
3. In 2020, Petitioner was assigned by Michael C. Westfall, State Inspector General to investigate multiple complaints of fraud and abuse involving the Virginia Parole Board.

4. The Petitioner faithfully performed her investigation in the numerous allegations of fraud and abuse as directed by her supervisor, State Inspector General Michael C. Westfall (“Westfall”). At all times during the investigation, Westfall supervised and collaborated with the Petitioner regarding various steps of the investigation.
5. Westfall certified findings of the Petitioner for seven offenders involving violations of policy and law by members of the Virginia Parole Board in granting parole to the following offenders (names redacted) DLB, IC, RDG, TXG, DMR, PS, and DKS.
6. State Inspector General Westfall further certified the findings of Petitioner for an additional offender (name redacted), VLM, with substantial violations of policy and law by members of the Virginia Parole Board in granting the parole of VLM which were detailed in a executive summarized 10-page report. That report was submitted by Westfall to the Office of the Attorney General where it was redacted and reduced to a six-page report.
7. The reports of the violations of the reports stated in paragraph 5 and the redacted report stated in paragraph 6 are known by the Petitioner to be in the possession, since September 2020, of the Office of Governor, The Office of the Attorney General (OAG) and the Office of the Secretary of Public Safety and Homeland Security.
8. In 2020, summarized reports detailing the violations of the Parole Board of DLB, IC, RDG, TXG, DMR, PS, DKS and VLM were released to member of the General Assembly by Westfall. Following those releases, the media obtained copies of some of the summarized reports.
9. Petitioner did not release any of her work product or documents to the media at any time.

10. During the Parole Board investigations, Petitioner was contacted by Federal Law Enforcement and was requested to cooperate with them regarding a federal investigation involving the circumstances of the Virginia Parole Board; Petitioner has fully cooperated with Federal Law Enforcement.
11. Shortly after the leak of the six-page redacted report regarding offender VLM, Petitioner was summonsed to the Office of the Governor where she was interrogated by various members of the administration regarding her reports, investigations and findings. At that meeting were Clark Mercer, Chief of Staff for Governor Ralph Northam; Brian Moran, Secretary of Public Safety and Homeland Security, State Inspector General Westfall, and others.
12. For over an hour, Petitioner and Westfall were hostility interrogated for the findings contained in the report regarding VLM by members of the administration based on the six-page report that had been redacted by the OAG and leaked to the media. Petitioner announced to members of the meeting that a more comprehensive report regarding VLM existed; however, State Inspector General Westfall refused to release his approved report to the administration.
13. The meeting contained in paragraph 11 and 12 was intended to intimidate the State Inspector General and the investigators tasked with making fact findings related to members of the Parole Board.
14. Following the meeting, State Inspector General Westfall spoke to Petitioner and explained that Westfall may lose his job for the work product regarding the VLM investigation. This apprehension by her supervisor placed Petitioner in substantial fear of losing her job as the primary investigator on the Parole Board matter.

15. The investigation into the Parole Board continued. Petitioner submitted additional reports to Westfall but those additional reports of additional misconduct have not been released to members of the Northam Administration.
16. In February 2021, the full 14-page VLM report was leaked to the media. The 14-page report was an earlier draft of Petitioner's work product. The report contained substantial facts and findings of serious wrongdoing by members of the Parole Board previously omitted at the direction of the Office of the Attorney General.
17. Petitioner did not leak the report to the media then or at any other time.
18. Following the leak of the 14-page report, Westfall then publicly announced that the Virginia State Police would be conducting an investigation into discovering the person who leaked the documents. ¹
19. Petitioner having already cooperated with Federal Law Enforcement and being the author of the report that was leaked feared she was now going to be used as a scapegoat for cooperating with law enforcement based on the announcement of the Virginia State Police investigation by Westfall and the previous hostile in-person meeting described in paragraph 11-12 with senior leadership of the Northam administration as well as Westfall's comments that he believed he was also going to be fired as a result of the investigation of the Parole Board.
20. On Wednesday, March 3, 2021, Petitioner released a partial copy of her file to leadership of the General Assembly, as a defined Appropriate Authority under the Virginia Whistle Blower Act and identified herself anonymously through the

¹ <https://apnews.com/article/richmond-ralph-northam-virginia-a3a0a4573234f9dd8a01b449d0fa0978>

<https://www.wtvr.com/news/problem-solvers/problem-solvers-investigations/email-shows-osig-shared-parole-board-report-with-attorney-generals-office>

undersigned counsel as a Whistle Blower. The release contained the full reports of DLB, IC, RDG, TXG, DMR, PS, DKS and VLM, as well as other facts and circumstances detailing additional violations by the Parole Board which are not being stated at this time for confidentiality reasons.

21. On Friday, March 5, 2021, Petitioner received a home visit by Katrina Goodman, Chief of Investigations and Rich Scholl, Investigations Manager, both employed by the Office of the State Inspector General who hand delivered the attached letter authored by Corrine Loudon placing the petitioner on pre-disciplinary leave with pay pending an investigation into alleged misconduct. Petitioners work laptop was seized as well as the Petitioners employee access card.
22. On March 5, 2021, Petitioner through counsel sent a letter to State Inspector General Westfall and Deputy Inspector General Loudon unmasking herself as a Whistle Blower and demanding retraction of the threat of “pre-disciplinary” leave for “alleged misconduct.”
23. As of the timing of this Petitioner, the Petitioner remains of “pre-disciplinary” leave.

COUNT 1

- I. Petitioner has been subjected to retaliatory actions for conduct as a whistle blower which is protected under Virginia Code §2.2-3011.

24. Virginia Code §2.2-3011(A) states: *No employer may discharge, threaten, or otherwise discriminate or retaliate against a whistle blower whether acting on his own or through a person acting on his behalf or under his direction.*
25. Petitioner has, in good faith, cooperated by request with Federal Law Enforcement.
26. Petitioner has, in good faith, reported alleged misconduct by State Inspector General Westfall evidencing his failure to publish additional violations of the Parole to an Appropriate Authority, namely the leadership of the Virginia General Assembly.
27. Petitioner has, in good faith, reported alleged misconduct of the Office of the Attorney General in redacting substantial sustained facts and circumstances of the VLM report to conceal the findings of the State Inspector General from other members of the Northam Administration to an Appropriate Authority, namely the leadership of the Virginia General Assembly.
28. Petitioner has, in good faith, reported alleged misconduct of the Office of Public Safety and Homeland Security and the Office of the Governor for failing to take actions to correct the wrongdoing of the Parole Board to an Appropriate Authority, namely the leadership of the Virginia General Assembly.
29. Petitioner has neither communicated with the media nor released any information, documents or otherwise to the media at any time.
30. State Inspector General Westfall has been on notice that that Petitioner is a protected whistle blower, protected by applicable provisions of the Virginia Code, and continues to threaten retaliation against Petitioner in violation of law.
31. State Inspector General Westfall is harassing Petitioner by threatening Virginia State Police investigations to the media and suspending her under the auspices of a “pre-

disciplinary” investigation for “alleged misconduct” in violation of her rights as a protected whistle blower in an effort to insulate his own position as State Inspector General.

Accordingly, the Petitioner moves this Court for the following relief:

1. Declaring that Petitioner is a protected whistle blower.
2. Ordering State Inspector General Westfall to immediately reinstate Petitioner to her previous employment status.
3. Ordering State Inspector General Westfall to cease and desist in threats and harassment, publicly and privately, of retaliation for Petitioner’s lawful disclosure to Federal Law Enforcement and the leadership of the General Assembly.
4. To grant any other relief as may be appropriate to further the intent and integrity of whistle blower protections provided by the Virginia Code.

Respectfully Submitted,

Jennifer A. Moschetti

By: Tim Anderson

Counsel

Timothy Anderson
Anderson & Associates, PC
2492 N. Landing Rd 104
Virginia Beach VA 23456
757-301-3636
VSB 43803

I have reviewed and verified the above Petition for Mandamus and state it is true and correct to the best of my knowledge information and belief.


Jennifer Moschetti
Jennifer Moschetti

Virginia
City/County of: Hanover

Subscribed and sworn by me, Jennifer Moschetti, this 8 day of March 2021.

Jamie Lynn Tyree
Notary Public
My Commission Expires 7/31/24

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 JAMIE LYNN TYREE
Notary Public
Commonwealth of Virginia
My Commission Expires 7/31/24
Commission ID# 7898232



COMMONWEALTH OF VIRGINIA
Office of the State Inspector General

Michael C. Westfall, CPA
State Inspector General

P.O. Box 1151
Richmond, Virginia 23218

Telephone (804) 625-3255
Fax (804) 786-2341
www.osig.virginia.gov

March 5, 2021

Ms. Jennifer A. Moschetti
8090 Brisbooke Court
Mechanicsville, Virginia 23116-2750

Dear Ms. Moschetti:

This letter is to inform you that you are being placed on pre-disciplinary leave with pay, pending an agency administrative investigation effective immediately. This is because your presence at the worksite may hamper the agency's internal investigation into alleged misconduct on your part that is related to the nature of your job and/or the agency's mission.

During this pre-disciplinary leave period, you are not to report to your normal worksite, any associated work site of the Office of the State Inspector General, or access any agency systems to perform any work duties associated with your position. In accordance with DHRM Policy 1.60-Standards of Conduct, this pre-disciplinary leave should not exceed fifteen workdays. However, if at the end of fifteen workdays, there has been no resolution to this investigation, the agency has the option to extend pre-disciplinary leave with pay for a specified period of time as determined by me.

This is a very serious matter and until this matter is resolved, you are not to email or contact employees of the Office of the State Inspector General regarding the investigation of this matter, or agency business. If you need assistance with document retrieval or have any questions related to these matters, you are to contact Derek T. Mountford, Human Resource Client Manager at 804-225-2729, 804-229-3166, or by email at derek.mountford@dhrm.virginia.gov.

Sincerely,

Corrine A. Loudon
Deputy Inspector General

cc: Michael C. Westfall, OSIG State Inspector General
Derek T. Mountford, DHRM Human Resource Client Manager

ANDERSON LAW

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March 5, 2021

Corrine Louden
Office of the State Inspector General
Via Facsimile: 804-786-2341

Re. Jennifer Moschetti

Dear Ms. Louden:

Please note that I am in receipt of your letter dated March 5, 2021 to Jennifer Moschetti for whom I am representing.

My client is cooperating with statutory agencies defined as an "Appropriate Authority" regarding facts and circumstances surrounding various investigations of the Inspector General pursuant to the Virginia Whistle Blower Protection Act.

Pursuant to § 2.2-3011 of the Code of Virginia, you are on notice that my client is claiming full protection of the Virginia Whistle Blower Protection Act. As such, your office may not "discharge, threaten, or otherwise discriminate or retaliate" against the lawful actions taken by my client. Your letter dated March 5, 2021 certainly threatens disciplinary action. Accordingly, you are on notice that my office intends to file suit for Mandamus against the Office of the State Inspector General unless this letter and all threats of discipline cease immediately regarding her protected Whistle Blower status.

For notice purpose, Jennifer Moschetti claims any and all protections under the Virginia Whistle Blower Protection Act. No questions should be directed towards her regarding any protected conduct outside of my presence.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Anderson".

Timothy Anderson

C: Corrine Louden
Corrine.louden@osig.virginia.gov

Michael Westfall
Michael.westfall@osig.virginia.gov

www.virginialawoffice.com