



**VAN DERMYDEN MADDUX**  
*Investigations Law Firm*

**SUPPLEMENTAL REPORT OF  
INDEPENDENT INVESTIGATION  
*Claims of Sexual Misconduct  
Presentation High School***

**November 19, 2020**

*The content of this communication is sensitive, graphic, and not intended for children.  
Reader discretion is advised.*

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## I. Introduction

On September 23, 2019, Presentation High School (Pres) retained Van Dermyden Maddux Law Corporation (Firm) to conduct an independent investigation into allegations of sexual misconduct. The Firm concluded its investigation and provided the Investigative Report to Pres. On July 9, 2020, Pres provided the Investigative Report to the Pres Community. The same day, Pres President Holly Elkins issued a letter to the Pres Community and invited anyone with information about inappropriate conduct to contact her or the Firm.

Following the publication of the Investigative Report, the Firm received outreach from 21 individuals who wished to provide additional information, share concerns, or provide clarification about some of the information contained within the Investigative Report. Specifically, we received additional information related to Respondents John Fernandez, Peggy Orozco, Jeff House and Dave Garbo.<sup>1</sup> As will be described, much of the additional information provided corroborated or clarified our findings. None of the additional information materially changed our overall findings and conclusions, or related to any current Pres employee. We heard new allegations against John Fernandez and Dave Garbo.<sup>2</sup> We sustain these additional allegations.

In this Supplemental Report (Report), and as a final conclusion to our process, we summarize the additional information gathered. This Supplemental Report is not intended to be a stand-alone report. It should be read in conjunction with the underlying Investigative Report. It includes and incorporates by reference the information, analyses, and findings contained in the Investigative Report.

## II. Investigative Methodology

We received outreach from 21 individuals following the issuance of the Investigative Report. These individuals contacted us directly via email and through our hotline, or were referred to us by Elkins. Of these 21, we interviewed 10 who agreed to provide additional information.<sup>3</sup> We also interviewed or attempted to interview others, as necessary.

To ensure anonymity and confidentiality, with few exceptions, this Supplemental Report does not identify the individuals with whom we spoke. Consistent with the Investigative Report, we have removed identifying information with few exceptions. As an example, we have included the names of four former faculty members who, for purposes of this Supplemental Report, we have identified as Respondents.<sup>4</sup>

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<sup>1</sup> Any reports of misconduct which did not fall within the scope of the Investigative Report were reported to Pres and may be the subject of subsequent reviews, as appropriate.

<sup>2</sup> We reached out to Garbo to provide him an opportunity to respond. He declined. Fernandez is deceased.

<sup>3</sup> Of the 11 individuals who reached out but were not interviewed, some declined to be interviewed, did not respond to our attempts to schedule an interview, or stated they provided information by email and did not have additional information to share.

<sup>4</sup> Before disclosing the identity of a Respondent, we carefully reviewed the available evidence to determine whether we received sufficient information to form a good-faith belief the alleged conduct occurred, applying the preponderance of the evidence standard, and based on recognized credibility factors. "Preponderance of the evidence," for purposes of

### III. Allegations Of Sexual Abuse Or Sexual Misconduct Against Respondents

Following the publication of the Investigative Report, we received additional information regarding the allegations against John Fernandez, Peggy Orozco, Jeff House, and Dave Garbo. These details are summarized next.

#### A. John Fernandez

John Fernandez was a Spanish and French teacher at Pres between 1982 and 2004. Following the publication of the Investigative Report, we received additional information regarding Fernandez. Two witnesses corroborated the allegations previously disclosed in the Investigative Report, and one came forward with new allegations of misconduct.

##### 1. Corroborating Information Related to JF Affected Parties 1 and 4

As detailed in the Investigative Report, five witnesses told us Fernandez engaged in sexual misconduct towards JF Affected Party 4 during a Pres-sponsored trip in June 1990.<sup>5</sup>

Following the publication of the Investigative Report, Witness 19 contacted us and provided additional details. Specifically, Witness 19 had spoken to a JF Affected Party 4 family member who was present at the meeting in or around September 1990 with then-Principal Marion Stuckey and others. The conversation with the family member occurred shortly after the meeting took place. The family member told Witness 19 the following about the meeting: JF Affected Party 4 was quiet and staring at the floor; it seemed something inappropriate had happened on the Pres-sponsored trip; Stuckey told JF Affected Party 4 it was possible for people to remember something which had not really happened and asked whether it was possible she dreamt the incident.

Witness 19, who was close to JF Affected Party 4, said she spoke with JF Affected Party 4 about what happened in 1990 following the publication of the *Washington Post* Article in October 2017. JF Affected Party 4 told Witness 19 she wrote down everything that happened between her and Fernandez and shared the document with Former Principal Mary Miller.<sup>6</sup> According to Witness 19, JF Affected Party 4 told her Miller “read it silently and looked up at [JF Affected Party 4] and said, ‘Unless you are prepared to go in a court of law and say everything you wrote in this letter in front of your father, I suggest you keep quiet. Put this to rest and stop talking about it.’”

Witness 19 was also close with JF Affected Party 1. During their senior year of college, JF Affected Party 1 told Witness 19 that Fernandez previously wrote her notes, gave her gifts, and tried to kiss her when they were in private.

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this Report, means the evidence on one side outweighs, or is more than, the evidence on the other side. This is a qualitative, not quantitative, standard.

<sup>5</sup> JF Affected Party 4 did not participate in the investigation.

<sup>6</sup> Miller declined to participate in an interview regarding the additional information provided in this Supplemental Report.

## 2. Corroborating Information Related to JF Affected Party 6

Following the publication of the Investigative Report, Witness 20 reached out and shared information similar to that provided by JF Affected Party 6. Witness 20 said around 1984, Fernandez was her soccer coach. Witness 20 said Fernandez walked behind and inspected her teammates while they were stretching. Specifically, she described, “You could feel this glare at your butt.” Witness 20 stated it was obvious there was something “icky going on,” but she did not report her concerns at the time because she felt there was no process by which to report concerns.

## 3. New Allegation - JF Affected Party 15

**Incident dates 2000-2002:** Following the publication of the Investigative Report, JF Affected Party 15 reached out. She alleged Fernandez engaged in inappropriate comments and touching. She spent multiple lunch periods with Fernandez working on additional assignments or getting help on assignments, and developed a relationship with him “beyond a standard teacher/student relationship.” She shared that he wrote and sent letters to her house. He also made comments to her such as, “I care about you,” and, “You’re beautiful.” JF Affected Party 15 also recalled Fernandez would touch her hair, as well as rub her head, neck, and ears. She described their relationship as a “fatherly, caring relationship,” but recalled she also had anxiety when she saw him.

We also spoke with JF Affected Party 15’s mother, who recalled JF Affected Party 15 told her Fernandez touched her hair, shoulders, and ears. JF Affected Party 15’s mother felt this was inappropriate, and she believed she may have reported the conduct, but was not sure.

## 4. Conclusions

Based on the additional information regarding Fernandez, we conclude the following:

- Witness 19 and Witness 20 corroborated our finding that Fernandez engaged in inappropriate conduct, including being overly affectionate, writing notes and giving gifts to students, and engaging in inappropriate sexual touching. Witness 19 also corroborated our finding that Pres staff members were aware of some of the conduct but failed to meaningfully investigate. Based on the full record, we find it more likely than not that Fernandez engaged in the conduct as alleged by JF Affected Party 15.

### B. Peggy Orozco

Peggy Orozco was a Spanish teacher and substitute English teacher from approximately 1979 to 1983. As reflected in the Investigative Report, we heard concerns that Orozco engaged in inappropriate grooming and relationships involving three students, at least one of which involved alleged sexual misconduct, in the early 1980s. During our investigation, we spoke with one of the three Affected Parties. Following the publication of the Investigative Report, PO Affected Party 3, who did not initially participate, reached out and provided additional information regarding the allegations raised on her behalf.

## 1. Clarifying Information From PO Affected Party 3

**Incident date approximately 1982:** During our investigation, we received information that Orozco allegedly engaged in an intimate relationship with a student, PO Affected Party 3, in the early 1980s. Three witnesses shared perspectives that PO Affected Party 3 and Orozco may have been in a relationship. One witness reported Orozco was in a relationship with PO Affected Party 3 at the same time as PO Affected Party 2, and this caused “friction” between the students.

PO Affected Party 3 reached out to clarify the allegations made on her behalf. She said she did not have a sexual relationship with Orozco. PO Affected Party 3 corroborated Orozco had a relationship with PO Affected Party 2. PO Affected Party 3 explained she had an “on and off” relationship with PO Affected Party 2 at the same time PO Affected Party 2 was “going out” with Orozco. Per PO Affected Party 3, Orozco “called [her] out” for having a relationship with PO Affected Party 2 during this time.

PO Affected Party 3 said she confronted Miller about the relationship between Orozco and PO Affected Party 2 in or around 2017 and Miller denied being aware of the relationship.

## 2. Conclusions

Based on the additional information regarding Orozco, we conclude the following:

- Based on the information from PO Affected Party 3, we amend our original conclusions to find Orozco engaged in inappropriate grooming and relationships involving two, not three, Pres students.
- PO Affected Party 3 talked to Miller about the relationship between Orozco and PO Affected Party 2 in or around 2017.

## C. Jeff House

House was an English and Journalism teacher at Pres between 1999 and 2004. As stated in the Investigative Report, we heard allegations of inappropriate grooming and relationships involving House and two Pres students. JH Affected Party 2, who initially did not participate in the investigation, provided information regarding the allegations brought on her behalf.

## 1. Clarifying Information From JH Affected Party 2

**Incident dates approximately 2002-2003:** JH Affected Party 2 acknowledged having sexual intercourse with House in or around March 2004 when she was a freshman in college, but denied that any drugs were involved. She acknowledged having one alcoholic beverage. JH Affected Party 2 noted, “I would not describe it as an assault or non-consensual. However, it was not unproblematic, [...] and was clearly the result of many years of grooming.”

JH Affected Party 2 denied knowing Witness 7, who raised the allegations on her behalf. Instead, JH Affected Party 2 told a former schoolmate, who was a Pres senior at the time, about what happened in or around May 2004. She stated it was possible her former schoolmate told one or

two students in her class what happened, and one of them may have reported it to Miller. It was her understanding Miller told them to stop gossiping.

JH Affected Party 2 stated that in or around April or May 2004, she wrote an email to House telling him to resign. JH Affected Party 2 stated she spoke with Miller that summer — after House had already left his employment with Pres — and told her what happened. She described the conversation as follows:

When I spoke with Miller, House was no longer at the school. I don't entirely remember the content of the conversation. There had been this sexual encounter, and I think I told her there was alcohol involved. It was not a lot of alcohol. But I don't remember begging her not to tell anyone. I didn't report it as an assault or rape. It was an abuse of power. [...] I did not feel unheard or dismissed by Mary Miller. [...] I think she was respectful and treated me like an adult who wasn't a student and was over 18 and was not reporting an assault or rape.

## 2. Conclusions

Based on the additional information regarding House, we conclude the following:

- JH Affected Party 2 corroborated our finding that House had a sexual encounter with her when she was a freshman in college. Her additional testimony supports our conclusion that the encounter was consensual, but likely based on inappropriate grooming and boundaries while JH Affected Party 2 was a student at Pres.
- JH Affected Party 2 corroborated our finding that Miller became aware of the sexual relationship after JH Affected Party 2 graduated. JH Affected Party 2 did not feel dismissed by Miller and felt Miller treated her respectfully.

### D. Dave Garbo

Dave Garbo was an English teacher at Pres from 2006 to 2017. As stated in the Investigative Report, an alum asserted on behalf of a friend that Garbo engaged in grooming with a Pres student, which ultimately led to a sexual encounter with DG Affected Party 1. Following the publication of the Investigative Report, three individuals contacted us to share information about Garbo.<sup>7</sup> Two of the individuals shared information about conduct which was outside the scope of our review.<sup>8</sup> One raised a new allegation against Garbo.

#### 1. New Allegation - DG Affected Party 2

**Incident date 2011:** Following the publication of the Investigative Report, a new complainant, DG Affected Party 2, alleged Garbo engaged in grooming behavior towards her.

<sup>7</sup> Garbo declined to participate.

<sup>8</sup> Witness 21 reported Garbo asked her out the year after she graduated. Witness 22 reported Garbo asked her out four years after she graduated. Neither student provided information to suggest Garbo used his teacher status to develop relationships with them.

Garbo was DG Affected Party 2's English teacher during her sophomore year and she spent a lot of time in his classroom. She described the relationship as "very friendly" and "casual." According to DG Affected Party 2, things became inappropriate during her senior year, including Garbo oversharing details about his personal life and marriage. Then, according to DG Affected Party 2, things "escalated" after she graduated from Pres. She said Garbo texted her numerous times "pressuring" her to go out to dinner with him. On one occasion, he texted her, "I'll pay," or, "I'm treating you," and added a winking face. DG Affected Party 2 described feeling "grossed out" and "uncomfortable" with the text messages. According to DG Affected Party 2, she ultimately blocked Garbo's phone number because she was so uncomfortable.

DG Affected Party 2 said she did not report Garbo's conduct to Pres administrators.

## 2. Conclusions

Taking the additional information regarding Garbo into consideration, we conclude the following:

- Based on the entire record, we find it likely Garbo developed an inappropriate personal relationship with DG Affected Party 2 when she was a student, and then attempted to date her after graduation.

## IV. Allegations Of Sexual Abuse Or Sexual Misconduct Against Others

As reported in the Investigative Report, we became aware of allegations of misconduct against other former faculty or staff members whom we did not identify in the Investigative Report. These individuals were not named because we received less supporting evidence for the claims, and/or after a full review of the information collected, we determined the conduct asserted, while inappropriate or unprofessional, did not meet the definition of sexual misconduct noted in the Investigative Report.

Following the publication of our Investigative Report, we received the following additional information regarding the allegations against two of the former staff members referenced in the Investigative Report.

### A. Corroborating Information Related to Accused Staff Member A

Witness 20 corroborated that Accused Staff Member A had close relationships with students and talked with students about plans for the weekend at Accused Staff Member A's house. Witness 20 recalled overhearing conversations in which Accused Staff Member A and the group would plan trips together, including to Lake Tahoe to go skiing. Witness 20 recalled one student in particular was "very close" with Accused Staff Member A.

- This information further corroborated our finding that Accused Staff Member A had inappropriate boundaries with students.

**B. Corroborating Information Related to Accused Staff Member D**

Witness 22 corroborated that Accused Staff Member D made his students uncomfortable. She witnessed his comments about Hershey's kisses and said they made her uncomfortable. Witness 22 did not report Accused Staff Member D to Pres. Witness 22 said when the #MeToo movement occurred, she immediately thought of Accused Staff Member D.

- This information corroborated our finding detailed in the Investigative Report related to Accused Staff Member D.



This concludes the Supplemental Report of Independent Investigation.