



ATTORNEY GENERAL OF MISSOURI

ANDREW BAILEY

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Dr. Danielle Tormala  
280 Interstate Drive  
Wentzville, MO 63385

*Sent via electronic mail to: [danielle.tormala@wsdr4.org](mailto:danielle.tormala@wsdr4.org)*

Dear Dr. Tormala:

On September 26, 2023, I filed a lawsuit to stop the egregious behavior of the Wentzville Board of Education, for “knowingly exclud[ing] parents from policy discussions about bathroom and locker room access for transgender students.” Pet. at ¶ 5, Case No. 2311-CC00986. In that suit we drew a line in the sand, stating unequivocally that “Missourians do not co-parent with the government.” *Id.* at ¶ 1.

Yet even as this lawsuit is pending before a Missouri state court, I have received credible information that the Wentzville School Board and its administration are presently taking intimidating and retaliatory action against three whistleblower Board members – the very same citizens who were brave enough to report the initial violations of the Open Meetings laws that led to my first lawsuit. I understand that the Wentzville School Board initiated an investigation into the three whistleblowers and, for the past several months, the District or the rest of the Board has been taking steps to silence them.

Make no mistake, witness tampering and intimidation is illegal. Any attempt to silence a witness—to prevent or dissuade them from making a complaint or report—violates the law. This includes initiating a pretextual investigation with little to no evidence to punish speech made pursuant to their role as Board members and their providing of information to my Office as witnesses, and threatening further adverse action against them. Missouri law explicitly protects witnesses and prohibits threatening or purposefully dissuading any person from reporting a complaint or testifying in a case. § 575.270, RSMo.

Moreover, Missouri’s whistleblower law specifically prevents any public employer—

including the District and the Board—from prohibiting employees or members from “discussing the operations . . . either specifically or generally, with . . . *the attorney general*”. § 105.055, RSMo (emphasis added). The Board and district administration may not retaliate against individual board members for disclosing “any alleged prohibited activity” when the members reasonably believed there was a violation of law. *Id.* Further, Section 610.028.3 of the Open Meetings Law contains strict whistleblower protections for people like the affiant board members, who “in good faith report[] a violation of the [Open Meetings law].”

I believe that the Board’s and the District’s ruthless and targeted intimidation campaign is retaliatory in nature. It is repugnant to the rule of law, the cherished principle of citizen engagement in local government, and parents' rights to participate in the education of their own children. It must cease immediately.

My office is also in possession of information indicating that as early as tonight’s scheduled Board meeting, there are plans to discipline and potentially remove from office the three duly elected whistleblower members of the board for certain votes they made in the course of their duties, political speech in which they engaged while in office, or providing information to my Office. If true, I caution you to tread carefully. Weaponizing board policies and procedures in order to discipline or oust members with whom you disagree politically is not only anathema to our cherished democratic process, it likely runs afoul of Missouri’s constitution and well established state and federal case law.

I would invite you to review the United States Supreme Court’s opinion extending **absolute legislative immunity** to local elected officials—such as school board and city council members—for actions they take in the course of their duties. Absolute legislative immunity attaches to all actions taken “in the sphere of legitimate legislative activity.” *Bogan v. Scott-Harris*, 523 U.S. 44, 53–4 (1998). The *Borgan* analysis likely extends protection to board members who, like here, make good-faith reports to our office of legal violations related to the conduct of other Board members or the District.

*Wentzville School District and its Board must immediately cease and desist any and all attempts to intimidate, investigate, or discipline duly elected school board members for actions, speech or activities undertaken by those board members in connection with the duties and responsibilities of their office.*

As the chief legal officer for the State of Missouri, I will protect the rights of all Missourians, including the right of elected school board members to expose government officials who are abusing their authority in an attempt to hide government business from public view. I am prepared to exercise my office’s full authority under the law to ensure that Missourians who blow the whistle on corruption are protected, and wrongdoers are held accountable. Here, that may

include, *inter alia*, taking certain steps to protect these witnesses in the Open Meetings Law case filed against the Board.

Sincerely,



ANDREW BAILEY  
Missouri Attorney General