

VIRGINIA: IN THE CIRCUIT COURT FOR ISLE OF WIGHT COUNTY

Removal Petition for Michael R. Vines **Windsor District School Board Member** **Isle of Wight County School Board**

1. Julia Perkins (“Ms. Perkins”) was duly elected as an Isle of Wight County School Board (the “School Board”) Member for the Windsor District in 2019. She ran unopposed and the total votes cast in that 2019 election totaled 1,716.
2. On October 14, 2021 Ms. Perkins resigned from the School Board by letter, which was read by Jacqueline Carr (“Ms. Carr”) at the School Board meeting on that date. At that time, Ms. Carr was the Chairwoman of the School Board.
3. The School Board issued a request for applications to replace Ms. Perkins on October 14, 2021. The applications consisted of only a letter of interest. The School Board did not request resumes, background checks or financial disclosures at the time of application. In a closed session during a November 8, 2021 special meeting, the School Board interviewed five candidates and selected Michael R. Vines (“Mr. Vines”) to fill the Windsor District position on the School Board vacated by Ms. Perkins.
4. The School Board did not allow for public comment on the applicants and did not seek any references. Denise Tynes (“Ms. Tynes”) and Renee Dial (“Ms. Dial”) voted in favor of appointing Mr. Vines, while Ms. Carr voted against appointing Mr. Vines.
5. Upon his selection for the Windsor District position, Mr. Vines signed his oath of office and assumed the office on November 10, 2021.
6. This Circuit Court has jurisdiction over this petition as the Windsor District lies within the territorial borders of this Circuit Court.
7. This petition seeks the judicial recall of Mr. Vines pursuant to Virginia Code § 24.2-233, which states in pertinent part: “Upon petition, a circuit court may remove from office any elected officer or officer who has been appointed to fill an elective office, residing within the jurisdiction of the court . . . [f]or neglect of duty, misuse of office, or incompetence in the performance of duties when that neglect of duty, misuse of office, or incompetence in the performance of duties has a material adverse effect upon the conduct of the office.”
8. The undersigned qualified voters of the Windsor District of Isle of Wight County seek the immediate suspension of Michael R. Vines from the Office of School Board Member upon the filing of this petition, as allowed for by Virginia Code § 24.2-236, and subsequently set a trial for his removal from office for the following reasons:
 - (a) His wildly inappropriate, defamatory, and discriminatory conduct over the course of multiple School Board meetings and a town hall that he co-hosted with John Collick (“Mr. Collick”) Carrsville District School Board member on February 08, 2022. All of these events were recorded and at the time of the drafting of this petition are publicly available on YouTube and/or Facebook.
 - (b) Malfeasance in Office as set forth in Virginia Code § 2.2-3122 due to his knowing failure to comply with the requirements for filing a State and Local Statement of Interests in Virginia Code § 2.2-3118.2.

FACTS

9. Not a single voter in the Windsor District was given an opportunity to publicly comment or otherwise provide input into the decision to appoint Mr. Vines to represent the district.

Behavior During Meetings/Town Hall

10. At the School Board meeting on January 6, 2022, Mr. Vines joined a unanimous vote to approve the School Board Code of Ethics; thereby, agreeing to:
- “make policy decisions based on the available facts and appropriate public input.” (“Ethics Code #4”)
 - “encourage individual board member expression of opinion and establish an open, two-way communication process with all segments of the community” (“Ethics Code #6”)
 - “refrain from using the board position for personal or partisan gain and avoid any conflict of interest or the appearance of impropriety” (“Ethics Code #9”)
 - “always strive to demonstrate appropriate behavior/conduct as a public school board member.”
11. At the School Board meeting on January 13, 2022, Mr. Collick suggested the School Board undertake an investigation to review allegations made during public comment about a school employee who was up for a promotion that would not be effective until July 01, 2022. Mr. Collick reasoned this would give the School Board the opportunity to determine the veracity of the allegations and allow the school employee to clear her name if such allegations proved to be false prior to approving her promotion. Mr. Vines opposed even the suggestion of the investigation, apparently comparing Mr. Collick to those who persecuted Jesus in the Bible, stating:
- “I am going to put it in a language you can understand and you being a Christian man, you are doing the exact same thing they did to Jesus, the exact same thing...”
12. At the January 26, 2022 Special School Board meeting several citizens held signs to peacefully protest actions taken by the School Board the previous week. Mr. Vines disparaged the citizens of Isle of Wight County in that public meeting, telling them:
- “When we have individuals who sit in the audience, they hold signs, they berate people, they formulate their own opinion. The gentleman said we need to teach in the school system here. I taught at Windsor High School for two years. There is a scripture in the Bible that says, “Know those who labor among you.” Often times you speak and say things that you are not even aware of. I grew up a product of this county. A lot of you can’t say that. A lot of you were transplanted in this county.”
- The citizens Mr. Vines disparaged, including voters from the Windsor District, interpreted the comment to mean there are two classes of citizenship in Isle of Wight County: one that originated in the county and the other that moved to the county. If you moved into the county (transplanted), then Mr. Vines indicated the opinions of so-called “transplants” are subservient to those who, like him, are “products” of the county.
13. Following the January 26, 2022, the School Board received emails regarding Mr. Vines’ statements. In response, on January 30, 2022, Ms. Tynes, current Chairwoman of the Isle of Wight School Board, wrote the following to a Windsor District Constituent:
- “I apologize for the discriminatory remark made at the IWCS Special Board Meeting, January 26, 2022. Mr. Vines did not have the authority to speak on behalf of the entire board. He was only recognized by the Chair to make personal comments. We individually represent the citizens in our perspective districts. Therefore, we individually take responsibility for our own actions.”
14. On February 08, 2022, Mr. Vines and Mr. Collick hosted a town hall at Windsor Elementary School for citizens who reside in the Windsor and Carrsville Districts. At the outset, the two board members set ground rules for the meeting. Specifically, they determined that they would prefer to not take comments on masks given the ongoing court and legislative actions and the

event was specifically for citizens from Windsor and Carrsville. If there was time in the end, they would entertain questions from citizens in other districts within the county.

15. At the town hall on February 08, 2022, Mr. Vines was asked by a citizen to clarify his previous comments from January 26, 2022 about “transplants” and he responded:

“Since the pandemic has occurred, a lot of people have moved into the county and they join this group that comes to the school board meetings, every school board meeting, every school board meeting. None of the new people are allowed to speak on the agenda, because they take the public speaking time up and the same people every time comes to the school board and most of the time these people are not products of this community, they moved here, they relocated, they moved from other areas, that’s what I was referring to as a transplant. You know, they didn’t grow up here, they themselves didn’t go to Windsor High School, that’s what I consider a transplant. Someone who grew up in Windsor, went to Windsor High School, graduated from Windsor High School, a product of this environment. That’s someone who was born and raised right here, transplants are people that terminology is not, is used all the time, but people can take it out of context and make it dirty. It’s not a bad a thing when you are a transplant, but one thing that I have always learned, you move into an environment, you need to learn the environment and the culture, when you first move there.”
16. Mr. Vines had two public opportunities (the town hall on February 08, 2022 and the regular School Board meeting on February 10, 2022) to apologize for his statements after multiple citizens expressed their umbrage at his characterization of those citizens who did not originate in the county. He refused to apologize or clarify in a way that could be construed as anything other than disdain for those who exercise their First Amendment rights at School Board meetings, but happen to not have been raised in either Windsor or Isle of Wight County. His discriminatory and derogatory statements insinuate that the viewpoint of people he calls “transplants” should be censored at public meetings because they apparently have yet to learn and appropriately conform to the environment and culture of the county as determined solely by Mr. Vines.
17. At the same town hall on February 08, 2022, Mr. Vines made defamatory comments against a former School Board Member, Mr. Herb DeGroft (“Mr. DeGroft”), erroneously stating:
 - “Having previously served on this school board yourself and knowing this and being removed from the school board because you breached the code of ethics”
 - “There was a lawsuit filed against you for racism when you served in this same position...in which you lost”
18. Mr. DeGroft was not removed from the School Board. Rather, he chose not to run for reelection. Upon information and belief, Mr. DeGroft was never found liable in a “lawsuit for racism.” A petition was filed for Mr. DeGroft’s removal, but the petition was dismissed for not acquiring enough valid signatures.
19. Later in the same town hall meeting, Brandon Randleman (“Mr. Randleman”) was allowed to speak, despite admitting he was not a citizen of Windsor, Carrsville, or even Isle of Wight County (Mr. Vines would later proclaim he personally invited Mr. Randleman to speak at the town hall). Mr. Randleman was allowed to engage the board members for 10 minutes, most of which was Mr. Randleman providing his commentary on critical race theory (CRT) and his opinion that it was not taught in Isle of Wight County Schools.
20. Immediately following Mr. Randleman and after no one else stood to speak, Laura Fletcher (“Ms. Fletcher”) stood up to speak and indicated she was from the Hardy District, but still a resident of the county. Mr. Vines immediately told Ms. Fletcher to sit down, that she could not speak, and that she was “a problem at every School Board meeting.” Ms. Fletcher indicated that she intended to provide an opposing viewpoint to Mr. Randleman and another speaker who had stated that all conservatives are white supremacists. When Ms. Fletcher objected to Mr. Vines attempts to silence her, Mr. Vines had Ms. Fletcher forcibly removed by Isle of Wight Sheriff’s deputies.

21. After Ms. Fletcher was removed from the town hall, another citizen came up to the podium and asked what the requirements were to be appointed as a School Board member. Mr. Collick responded with the requirements, one of which included having residency in Isle of Wight County. After receiving that answer, the citizen asked Mr. Vines to clarify his residency because there was an inconsistency with publicly available information regarding Mr. Vines' residency status. Mr. Vines proceeded to berate the citizen stating, "next time before you come before public like this, don't embarrass yourself, get the facts." Mr. Vines was apparently insulted by the question, insinuated that the citizen was racist, and stated the only reason she asked the question was because he was Black.
22. Following that outburst, another citizen asks whether the School Board really needs to increase its own compensation, a proposal repeatedly advocated for by Mr. Vines. After Mr. Vines recited compensation levels for other local school boards, he responded to the citizen with indignation, saying, "If you looked at this, how could you bring that question to the floor?"

Financial Disclosure

23. Upon information and belief, in accordance with Virginia Code § 2.2-3100.1 Mr. Vines was furnished by the appropriate School Board administrator a copy of the applicable Virginia Code regarding conflict of interest and financial disclosure within two weeks of his appointment to the School Board. This portion of the Virginia Code establishes a clear duty for those serving in elected offices to declare conflicts of interest and provide financial disclosures.
24. Pursuant to a Freedom of Information Act ("FOIA") request made on December 11, 2021, a citizen received on January 13, 2022 the State and Local Employee Statement of Conflict of Interests ("financial disclosures") filed by all School Board Members and applicable school employees for calendar year 2021.
25. Although required by Virginia Code § 2.2-3118.2 to submit his financial disclosure before assuming the position on the school board, Mr. Vines did not submit his disclosure until December 13, 2021, over a month after assuming his office, after having participated in two regular School Board meetings, and two days after the FOIA request was submitted. When he did submit his financial disclosure, he failed to sign it, date it, and left most of the document blank, including the portion for listing salaries and wages in excess of \$5,000.
26. At the town hall on February 08, 2022, Mr. Vines publicly stated, "I am an IT manager, I make over \$100,000 a year."
27. Upon information and belief, Mr. Vines' is employed by a private employer—that is not a state or local governmental or advisory agency—which would require reporting salary or wages on his financial disclosure.
28. Upon information and belief, Mr. Vines did not receive an advisory opinion from the Commonwealth Attorney pursuant to Virginia Code § 2.2-3104.02 that would have permitted him to assume the position of a School Board member prior to filing his financial disclosure, exclude from the reporting income earned from his private employer, or allow him to submit it unsigned under penalty of perjury.

NEGLECT OF DUTY, MISUSE OF OFFICE, OR INCOMPETENCE IN THE PERFORMANCE OF DUTIES

29. All previous paragraphs are attached and incorporated herein.
30. Mr. Vines' comments on January 13, 2022 to Mr. Collick are a violation of School Board Ethics Code #6 as he did not "encourage individual board member expression of opinion."
31. Mr. Vines' comments on January 26, 2022 to the citizens of Isle of Wight County (both in attendance and live streaming online) are a violation of School Board Ethics Code #4 and Ethics Code #6 as he openly denigrated "appropriate public input" and his divisive "transplant" slur was not in line with "establishing an open, two-way communication process with all segments of the community."
32. Mr. Vines' multiple confrontations with citizens during the February 08, 2022 town hall meeting are also violations of School Board Ethics Code #4 and Ethics Code #6 as he actively suppressed "appropriate public input" and an objective observer could not fairly interpret his actions as "establishing an open, two-way communication process with all segments of the community."
33. Mr. Vines' actions with respect to having Ms. Fletcher removed from the town hall on February 08, 2022 was a clear case of viewpoint discrimination, which is prohibited under the First Amendment. The town hall met the U.S. Supreme Court's definition of a "designated public forum" where speakers enjoy the strongest First Amendment protections.
34. Mr. Vines' pattern of invoking religious references as part of his public comments could be intimidating to his constituents, employees of the school system, and students in the school system who do not share his same views on Faith. If this pattern of behavior is allowed to continue, it is not unreasonable to believe his actions could be construed as discriminatory and potentially violates the Establishment Clause of the First Amendment.
35. Mr. Vines exhibits a pattern of using reckless language to attack those he disagrees with. The ease with which he publicly rattles off false accusations against private citizens and his inability or unwillingness to show any public remorse for these actions when they are identified as hurtful by citizens of the county demonstrates that he is incapable of performing the duties of his office and exposes the county to liability. At a minimum, this violates the School Board Code of Ethics summation to "always strive to demonstrate appropriate behavior/conduct as a public school board member" and exposes the School Board to legal and reputational liability for defamation and discrimination complaints brought against Mr. Vines.
36. Isle of Wight County is home to many active duty military members, veterans, and their families. Most of these families would meet Mr. Vines' definition of "transplant." As a protected class under the Virginia Human Rights Act (§ 2.2-3900), these military members, dependents, and veterans have direct evidence to support a reasonable claim of discrimination that Mr. Vines has discriminated against them based on their military status because of his cruel and unnecessary segregation of the county population into two classes of citizenship: one that originated in the county and the other that moved to the county.
37. Isle of Wight County is home to immigrants who also meet Mr. Vines' definition of "transplant." At least one citizen who spoke out against School Board policies at the January 26, 2022 special meeting prior to Mr. Vines' "transplant" comment is an immigrant. At the February 10, 2022 regular School Board meeting she stated she felt personally attacked and that her opinion was not valued because of being a "transplant." This citizen and other immigrants like her in the county have direct evidence to support a reasonable claim of discrimination under the Virginia Human Rights Act.
38. Mr. Vines' segregation and characterization of "transplants" also violates the Isle of Wight County School Board Nondiscrimination policy which specifically delineates military status, national origin, and ancestry as protected classes. Twice Mr. Vines has publicly described a

belief that citizens need a lineage originating in the county, like his own, to have a valid opinion on School Board policy and to enjoy the right to publicly express their viewpoint.

39. There are multiple examples of Isle of Wight County citizens making public comments at the town hall on February 08, 2022 and the School Board meeting on February 10, 2022 where they specifically characterize Mr. Vines' comments and behavior as inappropriate and offensive. Likewise, Ms. Tynes, the current School Board Chairwoman, also has characterized Mr. Vines' "transplants" comment as discriminatory.
40. In addition to his discriminatory and defamatory public behavior, Mr. Vines demonstrated his lack of fitness to discharge duties required for his office by his apparent knowing failure to provide the financial disclosures required by Virginia Code Sections § 2.2. 3100 et seq. At a minimum, this behavior demonstrates a total disregard for fulfilling the requirements to serve on the School Board and a potential violation of the School Board Ethics Code #9, which requires him to avoid even the "appearance of impropriety." At worst, it is alone sufficient cause for removal from office due to malfeasance in office as set forth in Virginia Code § 2.2.-3122 and could justify the imposition of civil and penal penalties set forth in that part of Virginia Code.
41. While the School Board has clearly delineated collective duties and legally proscribed requirements to be met, individual School Board Member duties are not specifically defined. The School Board Code of Ethics and statutory requirements for the office best describe a School Board Member's duty to their constituents, in the absence of specifically defined duties. Mr. Vines willful and habitual gross negligent failure live up to the Code of Ethics, combined with inexplicable incompetence or malfeasance in failing to properly perform standard financial disclosure represent a clear neglect of duty.

MATERIAL ADVERSE EFFECT

42. Mr. Vines repeated discriminatory views and comments, combined with his penchant for reckless speech and accusations place the School Board and the County at an increased risk for public embarrassment and liability. This potentially could include financial risk for the cost of litigation and opportunity cost associated with damaging the county's and school system's great reputation that attracts people to our community.
43. The citizens of the Windsor District have already suffered demonstrable harm that will continue until Mr. Vines is removed from office. This harm is in the form of unfaithful representation for policy decisions, budget/financial decisions, and lost advocacy by someone filling an elected office, who has demonstrated an appalling scorn for those constituents who do not hold likeminded views or similar local lineage. The citizens of the Windsor District who fit Mr. Vines' disparaging characterization of "transplants" are unfairly at the mercy of School Board Members from other districts to provide the faithful and respectful representation.
44. For the reasons set forth above, this Court should exercise its authority to remove Mr. Vines from office because the facts set forth above exceed the high standard for removing officers by the Court. Notably, this high standard for removing officers generally involves the policy that the courts should defer to voters. In this case, however, the voters of the Windsor District were completely disenfranchised in the selection of Mr. Vines and the court does not have a consortium of voters which to give deference. In that regard, the undersigned voters seek the only recourse they have to become re-enfranchised—that is to ask the Court to recognize that Mr. Vines' removal only overturns the procedural votes of two people—one of which was also appointed— and neither of which are voters in the Windsor District and to remove Mr. Vines from office.

Wherefore, voters consisting of at least 10% of the votes casted in the 2019, or at least 172 qualified voters move this Court for the removal of Mr. Michael R. Vines from office immediately.

Petition Signatures to follow.