

ATTORNEY GENERAL'S OFFICE

DATE RECEIVED Dec 28, 2017

TIME RECEIVED 12:51 / # 285

Augustine B. Jimenez III
Attorney at Law

Augustine B. Jimenez III
2999 N. 44th St., Ste. 318
Phoenix, AZ 85018
Tel: 602-263-7875
Fax: 602-865-8376
Attorney@abjlaw.com

RECEIVED FROM Pamela S. Telkover
PROCESSED
SIGNED L. Fuchs

December 28, 2017

The Honorable Mark Brnovich
Arizona Attorney General
State of Arizona
1275 W. Washington St.
Phoenix, AZ 85007

Re: A.R.S. §12-821.01 – Notice of Claims
Melissa & Jason R. Wilhelmsen v. Richard A. Rodriguez, his wife and their marital community

Dear Attorney General Brnovich:

INTRODUCTION:

Pursuant to A.R.S. §12-821.01 Melissa Wilhelmsen (“Melissa”) and her husband Jason R. Wilhelmsen (“Jason”) hereby provide notice to the State of Arizona of their claims against State employee, and University of Arizona Head Football Coach, Richard Rodriguez (“Rodriguez”) for his sexual harassment of Mrs. Wilhelmsen, as well as the hostile work environment created and fostered by Rodriguez.

FACTS:

Melissa began her career at the University of Arizona in July of 2001 as an Accounting Associate in the Athletic Department. She briefly left to try a career in real estate but returned in August of 2007 to serve as Assistant to Eric Harper the Director of Football Operations. By all accounts Melissa was extremely well liked and worked tirelessly to ensure that football operations were effective, timely and organized. Melissa will testify that sexual harassment was not tolerated under then-Head Football Coach Mike Stoops and that his attitude of zero tolerance permeated throughout the football program.

Coach Stoops was terminated in October of 2011 and the University hired Rodriguez soon thereafter. On the strong recommendation of Coach Stoops, Rodriguez retained Melissa to serve as his assistant. Melissa was eager to prove herself worthy of Coach Stoops’ recommendation, so she redoubled her already tireless efforts to make sure Rodriguez had a smooth transition into his new role. However, her enthusiasm started to dwindle in 2013 with the introduction of the “Hideaway Book.”

The Honorable Mark Brnovich
Arizona Attorney General
State of Arizona
December 28, 2017
Page 2 of 9

The Hideaway Book was a book authored by Rodriguez and typed up each year. The Hideaway Book was for coaches and some football operations people. It was not to be disclosed to anyone else. The main focus of the book was to establish secrecy within Rodriguez's inner circle and establish complete control of the group. This yielded such things as the saying: "Title IX doesn't exist in our office." Those who had the most interaction with Rodriguez - Melissa, Charlie Ragle, and Miguel Reveles referred to themselves as the Triangle of Secrecy. They were forced to lie to Rodriguez's wife to help cover up his indiscretions - primarily his extramarital affair. This Triangle was also coerced to shield Rodriguez from anything that could harm his reputation. Just for good measure, Rodriguez also befriended Jason to help ensure that his Triangle stayed intact.

By the summer of 2015, Melissa was newly wed to Jason, but most of her attention had to be paid to Rodriguez, who had become more and more demanding. Jason recalls being shocked about the stories of Rodriguez berating staff members and how Melissa had to answer Rodriguez's calls at all hours of the night just to change travel plans or make some other requests which were only emergencies to him. She had to walk on eggshells at work, because of his volatility and supreme power over the department. Jason even recalls some instances during this time period where football players sent Melissa screenshots of their genitalia and illicit overtures via text. When she asked Rodriguez to intervene, he ignored her.

By now, most of the department knew about Rodriguez's affair and lies to his family. Many of the assistant coaches and staff were longtime friends of Rodriguez, his wife and their children. His coaches and staff began to lose respect for Rodriguez and the web of lies had become too widespread to remain private anymore. In August of 2015, Rodriguez's daughter was in Rodriguez's office when she saw a text from his girlfriend come up on her father's iPad that said: "I love you." She demanded to know whom the text was from. Rodriguez created an elaborate story, suggesting that the text was meant for someone else. As per usual, Rodriguez directed Melissa to lie for him, to which Melissa responded, "Ok, I don't know anything." Rodriguez also made Charlie Ragle and Miguel Reveles go along with the lie.

On November 6, 2015, Rodriguez asked Melissa to get a sideline pass for his "friend" for the USC game in Tucson, which turned out to be his girlfriend. During the game, Melissa realized that Rodriguez's wife was also on the sideline. At some point Melissa had to stand between the two hoping to avoid a confrontation. The following Monday, Melissa complained to Rodriguez about how upsetting it was to be placed in that situation. Rodriguez laughed it off without acknowledging her stress or sense of betrayal to his wife.

On January 27, 2016, Melissa was in Tucson when she received a call from the San Diego Marriott about a barking dog in Rodriguez's room. Rodriguez was supposed to be on a recruiting visit. Melissa called Rodriguez who didn't immediately answer. Later she learned from Coach Rod Smith that Rodriguez had walked out of their meeting when the phone rang, but did not answer. Coach Smith also confirmed that the dog belonged to the girlfriend.

A short time afterwards, Melissa caught Rodriguez ogling her as she left the office for that day. She had suspicions prior to that time that Rodriguez may have been staring at her, but

The Honorable Mark Brnovich
Arizona Attorney General
State of Arizona
December 28, 2017
Page 3 of 9

this was the first time she caught him doing it. She simply responded, "No, you can't do that ... that's not cool." She hoped that would be the end of it, but Rodriguez's bad behavior only became more egregious.

On February 23, 2016, upon learning that Jason was being considered as a head security officer for the Diamondbacks, Melissa told Rodriguez that she would need to quit her job and move to Phoenix. Rodriguez responded that he didn't want her to leave saying, "No, I can't lose you." Rodriguez told Melissa that he would have a friend set up an apartment for her to stay several nights a week so she could continue working for him. Melissa told him she was unwilling to do that.

On May 10, 2016, Rodriguez's wife asked Melissa out to lunch. It became a 3-hour interrogation of sorts to find out what Melissa knew about Rodriguez's flirting and promiscuity. Again, per Rodriguez's strict instructions and despite Melissa's growing discomfort with doing so, she told his wife that she knew nothing and continued to cover up for Rodriguez. As it turned out, Rodriguez knew about the lunch and made Miguel Reveles call Melissa to make sure the Triangle of Secrecy had not been broken.

Rodriguez' demand for secrecy included doing nothing about a player that needed help. On August 8, 2016, football player Zach Hemmila was found dead from a painkiller overdose. The evening before, Matt Dudek had taken Zach to Rodriguez telling him that something was wrong with Zach and needed help. But Rodriguez did nothing simply saying, "he'll be fine." Rodriguez's knowledge of the extent of Zach's issues was another secret Melissa had to keep.

By September 20, 2016, Jason and Melissa began having marital issues, primarily due to Jason's growing uneasiness with Melissa working amongst all men and the comments they made to her. On one specific occasion, Melissa was wearing a light colored top and two coaches made inappropriate comments, and shouted "Damn!" as she walked out. This environment was condoned and in many ways encouraged by Rodriguez. The comments and staring by the males in the office reached the point where an assistant coach asked Jason, "Are you okay with Melissa working here?"

During the 2016 football season, Melissa's daughter worked as an equipment manager for the football team – Her daughter's boyfriend, worked there too. One of the assistant coaches commented in front of Jason and Melissa, "Come on you know your daughter is laying down on the bed for all those guys." Again, the coach feared no repercussions because this behavior was perfectly acceptable with "Rich Rod" in charge.

Whenever Rodriguez asked Melissa into his office, he always told her to close the door behind her, which made her uncomfortable and wasn't necessary. Others began to notice, and make suggestive comments to her about what happened behind closed doors.

By this time, Melissa was keeping so many of Rodriguez's secrets that she could barely function. Her obligation to Rodriguez extended to keeping secrets from Jason as well. When he simply asked her, "How was your day?" she couldn't respond for fear of revealing one of the

The Honorable Mark Brnovich
Arizona Attorney General
State of Arizona
December 28, 2017
Page 4 of 9

secrets. Jason naturally grew more and more uncomfortable and felt that Melissa was keeping things from him. This created stress on their marriage and caused Jason to lose trust with Melissa to the point where he considered divorcing her. Melissa felt that she couldn't be honest with him because she wanted to protect their marriage.

One particular day, Rodriguez found Melissa crying at work because of personal issues with Jason. Rodriguez attempted to comfort her by telling Melissa if she needs anything, "anything at all," to let him know. Melissa had never known Rodriguez to comfort anyone, and she found this level of over-commitment from a boss to be somewhat disconcerting.

Shortly after the incident where Rodriguez saw that Melissa was fragile, he asked her to get underwear for him from the equipment area downstairs. Melissa found this degrading and out of line so she emailed Michael Barnett at equipment to get him to provide Rodriguez clean pair. Michael took the underwear into the office instead of Melissa, as she was hoping to avoid the situation altogether. Nonetheless, Rodriguez made incredibly inappropriate comments to Melissa afterwards about how his preferred style of underwear "visually enhanced" his genitalia when worn. Melissa pretended to ignore these comments, although they sickened her.

By November, Rodriguez noticeably began timing his workouts so he could walk back to his office shirtless in front of Melissa. On one such occasion, Rodriguez walked past her in just his underwear and said "Good Morning" to her to make sure she saw him.

On Monday, November 14, 2016, Melissa received a voicemail from La Paloma complaining that Rodriguez made sexual advances towards a young woman who had provided Rodriguez a massage. The caller "just wanted to inform the university." Per Rodriguez's instructions and the overarching rules of the Triangle of Secrecy, the complaint never made it past Melissa's voicemail.

The following January, Rodriguez asked Melissa to come into office and shut door; despite her discomfort with this, she agreed to do so. Rodriguez told Melissa that he began marital counseling with his wife because of issues at home. Rodriguez emphasized to Melissa that he needs to be with someone who is passionate, and Melissa understood Rodriguez to mean that he wants her to be that person, even though Rodriguez was still married and keeping his girlfriend on the side. Rodriguez told Melissa, "Whatever you need, I'm here for you" ... he then grabbed Melissa, embraced her, touched the side of her breast, and tried to kiss her. Melissa managed to pull away and move her head. Now desperate and emotional that Melissa rejected his advances, Rodriguez cried out that he had no place to stay that night. Melissa assured him that she'd find him a hotel.

After this incident Melissa began to look for a way out. However, her daughter was on qualified tuition reduction, and still working in the Athletic department, so she didn't want to complicate her situation by quitting. Melissa began considering a transfer into the University's development office to get away from Rodriguez without rocking the boat.

The Honorable Mark Brnovich
Arizona Attorney General
State of Arizona
December 28, 2017
Page 5 of 9

Two weeks after Rodriguez assaulted Melissa in his office, he called her back inside (again closing the door) and said he wanted to "take care of her." Rodriguez handed her \$300 in cash, but Melissa refused his money. Rodriguez begged her not tell Jason or his wife. This made Melissa even more uncomfortable that Rodriguez believed she could be bought. Melissa emailed her sister about the incident.

On February 22, 2017, Rodriguez called Melissa into office, again telling her to close the door. After closing the door, Melissa looked up in horror to see Rodriguez grasping his penis beneath his basketball shorts which were pulled all the way up. Rodriguez carried on a normal conversation with Melissa while still holding himself, but Melissa just looked down until he was through talking, so she could get out of there. Once Rodriguez had finished, Melissa darted to the restroom and recalled asking herself, "What the fuck just happened?" Eventually she returned to her desk, where Rodriguez leaned over her to start up another conversation. Melissa called Matt Dudek about the incident and they both begin calling him "the predator."

By March 7, 2017, Melissa mustered up the conviction to ask for a transfer. She texted Mike Ketcham to ask about other positions at the University, specifically in the development office. Melissa scheduled a meeting with him but he later canceled without stating a reason. Melissa knew she would be well received in the development office, because Greg Byrne had confirmed as much; she had also received blessings from major donors who would be thrilled to have her oversee their account in development. Around the same time, Melissa broached the topic of transitioning out of the Athletic Department with Rodriguez. His response was, "Bullshit, you're not leaving, I can't let you leave, I need you."

Throughout the next month, Rodriguez continued to stand very close to get skin-to-skin contact with Melissa. He was constantly glaring at her now, and she would wear skirts less often because she could feel him constantly glaring at her thighs. Melissa recalls continuous jokes from this time period about how "Title 9 doesn't exist in this office."

On April 5, 2017, Melissa attempted to make a second appointment with Mike Ketcham to discuss transferring departments. She received no response. Eventually Mike told her, "We can't take you; Coach [Rodriguez] would be pissed." Melissa realized she was trapped. Rodriguez had control over all the people that could allow her to leave the department, and she couldn't quit for fear of what would happen to her daughter.

Shortly after trying to schedule the appointment, Rodriguez asked Melissa to help clean out his closet, handed her underwear to fold, and told her, "I love that you want to take care of me." Melissa escaped the closet area without further incident, but the experience confirmed that Rodriguez, through his twisted view of reality, believed that she wanted to be near him.

On May 24, 2017, Melissa had lunch brought into the office for Rodriguez's birthday and invited his family in to celebrate. Rodriguez pulled Melissa aside and asked her to do a tequila shot with him in his office; Melissa declined, and felt it was highly inappropriate, especially with his family in the next room.

The Honorable Mark Brnovich
Arizona Attorney General
State of Arizona
December 28, 2017
Page 6 of 9

Shortly after his birthday, Rodriguez and Dusty Rutledge were standing at Melissa's desk discussing fund raising for football camps. Dusty made a comment that Melissa raises funds by rubbing her breasts on donors. Everyone within earshot laughed, including Rodriguez. Melissa pretended to ignore that comment, but later cried at the realization that the entire office thought that she had become successful by using her sexuality.

By April 26, 2017, Melissa began suffering migraines. On this particular day, she could not get up off the floor. She had never suffered from migraines in her life prior to this time period. On May 4, 2017, it became clear that the migraines were not subsiding, so Melissa went to the emergency room. Melissa was treated and sent home. On May 30, 2017, an EEG was performed; her migraines were attributed to stress from work. These affected her day-to-day life, her marriage and irritability with her younger children whom she saw every other weekend.

On June 13, 2017, Mike Ketcham told Melissa he didn't think there were any positions in development open. Melissa knew this wasn't true because she saw job postings earlier that month. Mike had no further explanation as to why.

On June 27, 2017, Rodriguez paid Melissa \$6,000 for summer camp work, which Melissa thought was appropriate for the amount of work she performed. Rodriguez told her afterward that this amount was more than anyone else received, and he gave her more money, not because she did more work or better work than the others, but because he wanted to "take care of her."

Not long after that, Rodriguez gave Melissa a wad of cash, approximately \$1,500, and asked her not to tell Jason or his wife about it. She was unsure whether the cash was for her or whether Rodriguez just wanted her to hold the money. When Rodriguez explained that the money was for her and insisted that she use it for outside costs like food and gas money. Then he demanded that Melissa take him to the airport the next day. Rodriguez ended the conversation by whispering to Melissa, "I have more cash to give you." She recalls him being so close to her face that she could smell the BBQ chips on his breath. He then grazed her breast with his hand as he awkwardly reached towards her for a hug. Melissa left the office feeling violated. Rodriguez then texted her that she may need to come to his home late that night to help him with the dog, because his wife and daughter had already left on vacation.

Melissa came home and told Jason about having to take Rodriguez to the airport the next morning and about needing to help with the dog that evening. Jason was upset, and refused to let her go to Rodriguez's house. Melissa texted Rodriguez that if he needed help with the dog, she and Jason would come over to help. The following texts were sent:

Rodriguez: "just you"

Melissa: "I'm loyal to you and will always cover for you but it can't be me"

Rodriguez: "You know I love you" [with a kissing face emoji]

Melissa: "No! It can't be me"

Rodriguez: "Ha. I'll see you in the morning."

The Honorable Mark Brnovich
Arizona Attorney General
State of Arizona
December 28, 2017
Page 7 of 9

Melissa told Mike Parrish about this incident. His response was that "We don't need that in the office, but I am more concerned with his misuse of funds."

The next morning Melissa arrived at the office to take Rodriguez to the airport, although it had been her scheduled day off. Rodriguez passed by her desk shirtless and told her that he needed to shower in his office. Rodriguez asked Melissa to stay in his office to keep his dog calm while he showered. Instead, Melissa took the dog on a long walk to avoid interaction with Rodriguez and to avoid seeing him naked. On her way back from walking the dog, Melissa ran into Dusty who remarked, "I just shocked the shit out of Coach [Rodriguez]! He is in his underwear."

Over the next few days, Melissa had a scheduled vacation in Disneyland with Jason and her family. It was the first time in more than a year that she felt relaxed. Her migraines began to subside because she had no fear of Rodriguez, especially while he was spending time with his own family in Atlanta.

The month of July was relatively calm, because most of the staff was on vacation, but Melissa's anxiety grew as she edged closer to returning to daily work with Rodriguez. On July 23, 2017, Melissa and Jason went to dinner at Oreganos and Melissa told Jason everything that had happened. He was understandably furious, and they both agreed that she needed to look for another job, no matter what the financial fallout might be or what may happen with their daughter's job. Jason was, however, relieved that Melissa opened up to him. Melissa was also worried that if she told the Athletic Department everything that had happened, many other coaches and staff members would probably lose their jobs too. Although she didn't care about some of the coaches that made comments, even they had families to support, so she decided instead to leave quietly, and "take one for the team."

On July 27, 2017, Melissa got a new job with Crest Insurance. The owner, Cody Ritchie had been a major donor for the university and hired Melissa on the spot because of her work with the development office. The following day, Melissa gave Rodriguez her two-week notice. He tore it up, stating that it's "so depressing, can't lose you." Shortly afterward, Rodriguez's wife learned that Melissa was leaving, and scheduled another long lunch, peppering her with questions about Rodriguez's indiscretions.

On August 9, 2017, Melissa filled out exit paperwork and did an exit interview with Mike Ketcham. When he asked Melissa about why she was leaving, she began to cry, but ultimately told him that she had a great opportunity at Crest. Regarding Rodriguez, Melissa told Mike, "A lot of shit happened. I need to remove myself from this situation." Melissa didn't say more because she did not want anyone to be adversely affected if Rodriguez was fired.

August 11, 2017, was Melissa's last day. Rodriguez's wife cornered Melissa in the office and demanded to know the truth about Rodriguez's girlfriend. She asked about a photograph taken of Rodriguez and his girlfriend. Melissa admitted that she knew about the girlfriend and apologized for not telling her sooner. She demanded to have a meeting between herself, Melissa and Rodriguez. Melissa did not agree, as she did not want to get further involved. Later on that

The Honorable Mark Brnovich
Arizona Attorney General
State of Arizona
December 28, 2017
Page 8 of 9

day, apparently after arguing with his wife, Rodriguez stormed out of his office yelling about his wife, "What the fuck is wrong with her?" and "Who is trying to ruin me?" Afterwards Rodriguez's wife called and texted Melissa incessantly to the point where Rodriguez called Melissa to apologize for his wife's harassment.

Although Melissa had removed herself from the situation, reminders continue to pop up. On October 17, 2017, Melissa had lunch with a friend at the Trident grill. Rodriguez's wife was also there with her daughter. Melissa's friend told her, "If they only knew I booked a separate room for Coach [Rodriguez] and his girlfriend." About two weeks after that, Melissa spoke with Matt Dudek, who called just to check on her. During the conversation, he remarked, "Just be glad your boss isn't groping you anymore."

Also in October, Melissa had a conversation during a football game with a prominent football booster. He informed her that "I know what Coach [Rodriguez] has done," and said, "I don't agree with that shit." He said he respected Melissa for how she left quietly. Melissa began to realize how widespread these rumors had become, and although the booster respected her for how she handled it, her good name was now slandered throughout the University.

Since 2001, Melissa had worked hard to build a sterling reputation in the business community. She could have left the University years ago, as she had multiple job prospects throughout the community. She stayed because she enjoyed the excitement of working in the fast-paced, competitive environment of the football program. And when that joy faded because of the direct and indirect actions of Rodriguez, she realized she was trapped there. She wasn't allowed to transfer and leaving could have brought harm to her daughter who was still working in the program.

Meanwhile, for the last year of her employment under Rodriguez, staff members throughout the University began to speculate about what was going on behind Rodriguez's closed office door. Tucson is a small community, and rumors, especially salacious ones, spread fast. Although Melissa has a new job, she constantly runs into old acquaintances and wonders whether they think she was nothing more than Rodriguez's concubine all those years. He certainly never did anything to dissuade others from assuming as much.

Although the migraines have subsided, the nightmares have not. Melissa recently entered counseling to help her deal with the ongoing stress of being in such an abusive work environment and help her move on from it. Jason and Melissa feel that they need to leave Tucson altogether. He has already sought employment in the Phoenix area, which would be at a lower pay grade. But a move would be even more impactful on Melissa, who spent 13 years building an incredible network of contacts in Tucson. Even though she has some contacts in Phoenix and elsewhere, she needs a clean break from her prior life which means she will have to start from the bottom once again.

Melissa and Jason care for each other very much. They are now in their third year of marriage, but thanks to Rodriguez' actions, nearly the entire marriage has been turbulent. Melissa's prior marriage ended over ten years ago; she was both cheated upon and physically

The Honorable Mark Brnovich
Arizona Attorney General
State of Arizona
December 28, 2017
Page 9 of 9

abused. Understandably, this left her with trust issues that kept her from getting close to anyone until she met Jason. But shortly after the two were married, Rodriguez began to drive a wedge between them using his position of ultimate authority to make Melissa his servant. Melissa's trust issues from her prior marriage resurfaced and she tried to weather the storm by putting up a wall to protect herself. But the same wall kept Jason away, at least temporarily. Time will tell if a fresh start for both of them can heal the damage that has been done.

Jason, a former Marine and DEA agent, feels emasculated by what Rodriguez has done to his wife. For as long as he can remember, Jason has seen himself as a protector of the innocent and helpless who was always willing to put himself in harm's way to save those who couldn't save themselves. He didn't realize that Melissa needed saving, until it was too late. When he sees what has happened to Melissa, he sees it as his own failure to be a man. Rodriguez has taken this away from Jason, perhaps forever.

CONCLUSION:

It's difficult to quantify the damage that Rodriguez has done opening Melissa's old wounds and creating new ones for Jason. Unlike broken bones, emotional fractures rarely heal. Where the two of them were perfectly positioned to spend a blissful existence together, now there are only walls, trust issues, and paranoia. There is no telling how long it will take for these two young people to move past what has been done to them. The specter of Rodriguez will linger over this marriage in some respect for the rest of their lives.

If this case were to go to trial, in the current climate where #MeToo is in the headlines on a daily basis, neither male nor female jurors would have any sympathy for a public figure who used his authority and power to oppress and degrade his female assistant in such ways. Undoubtedly, the verdict could be in the tens of millions of dollars because the jurors would want to send a message to such high-profile and highly paid coaches that such abuses of power are not acceptable.

My clients, Melissa & Jason R. Wilhelmsen therefore agree to settle all claims they may have against Richard A. Rodriguez, his wife and their marital community for \$7,500,000.00.

Very truly yours,

Augustine B. Jimenez III
Augustine B. Jimenez III

ABJ:mo