

Supreme Court, U.S.
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No. 22-1106

In The
Supreme Court of the United States

JUDY A. BRANNBERG AND
JOHN DEWEY INSTITUTE,

Petitioners,

v.

COLORADO STATE BOARD OF EDUCATION AND
DOUGLAS COUNTY SCHOOL DISTRICT RE-1,

Respondents.

**On Petition For Writ Of Certiorari
To The Colorado Supreme Court**

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

The question presented is:

Whether the last sentence of section Colorado Revised Statutes C.R.S. § 22-30.5-108(3)(d)—“The decision of the state board shall be final and not subject to appeal”—applies to all state board decisions under section 108(3).

In 2014, 2017, 2018, and 2019, third-party employer Douglas County School District (“DCSD”) used discriminatory and unfair employment practices, Title VII of the Civil Rights Act of 1964, and 18 U.S.C. § 1503 Obstruction of Justice crimes of altering records, bribery, fraud on the Court, forgery, and breach of contract, to thwart the creation of the petitioner and charter school founder’s schools; her employment; and land, building, property ownership. Employment, land, building, and property ownership are terms, conditions, and privileges of charter school employment and U.S. Constitutional rights. From 2014 to the present, the charter founder complained to DCSD and the Colorado State Board of Education (“State Board”) about their criminal and civil statutory non-compliance, which created an unsafe learning environment for all students. DCSD muzzled the charter founder’s warnings, threatened her, pretextually labeled her “litigious” and then in retaliation, voted to deny her charters in 2014, 2017, 2018, and 2019, in order to keep their crimes under wraps which denied petitioner Federal due process of law and equal protection of the

QUESTION PRESENTED—Continued

laws. DCSD obstructed justice, used witness retaliation, intimidation, and tampering to silence the charter founder's warnings, which resulted in the tragic school shooting at the STEM School Highlands Ranch ("STEM") on May 7, 2019, the school she co-founded in 2009. In 2018 and 2019, she filed appeals to the State Board, which were denied. In 2019, she sought APA Judicial Review at District Court, which held that the State Board's decision is final and not subject to Judicial Review. In October 2021, the Colorado Court of Appeals reversed the judgment of the District Court and concluded that subsection § 22-30.5-108(3)(d) does not bar Judicial Review. At oral argument, the School Boards conceded that the School District's alleged statutory procedural non-compliance violations are reviewable under the APA. In March 2023, the Colorado Supreme Court was in conflict and reversed the Court of Appeals ruling.

PARTIES TO THE PROCEEDING

Petitioners Judy A. Brannberg (“JBrannberg”) and John Dewey Institute (“JDI”), a proposed alternative education inclusion charter school for students on the Autism Spectrum were the Respondents, Plaintiffs-Appellants below.

Respondents State Board and DCSD were the Petitioners, Defendants-Appellees below.

STATEMENT OF RELATED PROCEEDINGS

The following proceedings are related:

Colorado Supreme Court

State Board and DCSD RE-1 v. JBrannberg and JDI, Case Number 2021SC885 (Judgment Reversed en banc March 6, 2023).

Colorado Court of Appeals

State Board and DCSD v. JBrannberg and JDI, Case Number: 2020CA641 (Judgment Reversed and Case Remanded With Directions, concur Announced October 28, 2021).

Denver District Court

State Board and DCSD v. JBrannberg and JDI, Case Number: 2019CV550 (Joint Motion to Dismiss, filed November 15, 2019, is GRANTED.)

STATEMENT OF RELATED PROCEEDINGS – Continued

State Board of Education

DCSD v. JBrannberg and JDI, Case Number: 19-CS-07 (charter appeal denial by State Board, issued no orders or opinions, on August 15, 2019.)

Douglas County School District

DCSD v. JBrannberg and JDI. On June 4, 2019, the DCSD Board denied the JDI charter school application and failed to rule by resolution and without memorializing any written reasons, thereby violating statutory compliance of § 22-30.5-107(2) C.R.S. Charter application process—Failure to rule by resolution on the application for a charter school in a public hearing.

Pursuant to the State Board Updated Charter School Appeal Rules in E.2., which states in pertinent part: (App. 56, ¶2)

“The record on appeal shall presumptively include: 2. The resolution or other *written* grounds for the authorizer’s determination (the absence of which may be deemed a waiver of any such grounds).” (Emphasis added by State Board.)

Because there was no resolution in the Record in 2018 and 2019, there were no grounds for charter denial, which denied Petitioner’s Federal due process of laws and Federal equal protection of the laws. Therefore, JBrannberg’s charters should be approved immediately.

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PETITION FOR WRIT OF CERTIORARI

Petitioners JBrannberg and JDI respectfully petition for a writ of certiorari to review the judgment of the Colorado Supreme Court.

OPINIONS BELOW

Colorado Supreme Court may be found at App. 1. State Board and DCSD v. JBrannberg and JDI, Case Number 2021SC885 (opinion issued March 6, 2023).

Colorado Court of Appeals may be found at App. 23. State Board and DCSD v. JBrannberg and JDI, Case Number: 2020CA641 (opinion issued October 28, 2021).

Denver District Court may be found at App. 44. State Board and DCSD v. JBrannberg and JDI, Case Number: 2019CV550 (order issued February 26, 2020).

State Board may be found at App. 52. DCSD v. JBrannberg and JDI, Case Number: 19-CS-07 (charter appeal denial by State Board, which issued no orders or opinions, on August 15, 2019.)

DCSD Board—DCSD issued no resolution or other *written* grounds for denial in 2019 and 2018.

JURISDICTION

The District Court granted defendants' motion to dismiss on February 26, 2020. The Charter School Founder filed a timely appeal to the Colorado Court of Appeals. On October 28, 2021, the Court of Appeals reversed the judgment of District Court 3-0. On December 9, 2021, DCSD and State Board petitioned for certiorari to the Colorado Supreme Court which was granted September 6, 2022. On March 6, 2023, the Colorado Supreme Court was in conflict and reversed the Colorado Court of Appeals decision. This Court has jurisdiction under 28 U.S.C. § 1257(a).

STATUTORY PROVISIONS INVOLVED

Statutory Provision Number One:

U.S. Constitution Amendment 14—Citizenship Rights. Nor shall any State deprive any person of life, liberty, or property. Ratified, 7/9/1868

Section 1

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; *nor shall any State deprive any person of life, liberty, or property . . .*” (Emphasis added.)

Colorado third-party employers DCSD in 2014, 2017, 2018, 2019; Jeffco in 2014; and State Board in 2018, 2019; thwarted¹ creation of JBrannberg's charter schools; employment; building, land, and property ownership. Employment, land, building, property ownership are U.S. Constitutional rights, and are terms, conditions or privileges of employment at a charter school.

Statutory Provision Number Two:

U.S. Constitution, Amendment 14—Citizenship Rights. Due Process Of Law. Ratified, 7/9/1868

“No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without *due process of law*.”
(Emphasis added.)

¹ “It is the Commission’s (“EEOC”) view that a sufficient nexus will exist where the third party (DCSD, State Board, Jeffco, et al.) has the ability to thwart the creation or continuance of a direct employment relationship or where it has the ability to affect the terms, conditions, or privileges of employment.” EEOC, Policy Statement on control by third parties over the employment relationship between an individual and his/her direct employer (May 5, 1987), https://www.eeoc.gov/laws/guidance/policy-statement-control-third-parties-over-employment-relationship-between-Employment_property/land/building_ownership are Constitutional rights (U.S. Constitution, Amendment 14—Citizenship Rights. Ratified 7/9/1868), and are terms, conditions or privileges of employment at a charter school.

Colorado third-party employers deprived charter school founder Federal due process of law.

In 2018, 2019, DCSD and State Board were in ***non-compliance***, with the procedural requirements of the Charter Schools Act² including non-compliance with the following statutory laws:

- 1.) § 22-30.5-107(2) C.R.S.—Failure to hold a Community Meeting in 2018, 2019;
- 2.) § 22-30.5-107(2) C.R.S.—Failure to rule by resolution on the application for a charter school in a public hearing in 2018, 2019;
- 3.) § 22-30.5-107(4)—Failure to notify the Department of Education of the denial or refusal and the reasons therefor in 2019, 2018.

On October 28, 2021, the Colorado Court of Appeals unanimously concluded 3-0 that the Charter Schools Act ***does not bar judicial review*** of decisions by the State BoE on first appeal when a local school board decisions encompasses review of the local boards' ***compliance***, or more aptly stated, when there is gross ***non-compliance***, with the procedural requirements of the Act.³ (Emphasis added.) App. 37, ¶33:

² C.R.S. § 22-30.5-101 through § 22-30.5-704

³ *Id.*

Statutory Provision Number Three:**U.S. Constitution, Amendment 14—Citizenship Rights. Equal Protection of the Laws. Ratified, 7/9/1868**

Equal Protection of the Laws, requires that states guarantee same rights, privileges, and protections to all citizens and do not discriminate against an individual based on a suspect classification, including religion. (Emphasis added.)

The DCSD Board retaliated against JBrannberg and voted to deny her charters in 2014, 2017, 2018, 2019, because she enrolled in Colorado Civil Rights Division (“CCRD”) protected activity⁴ on February 15, 2007, and complained about employment discrimination⁵, and participated in multiple investigations for religious discrimination. The DCSD Board retaliated against JBrannberg and pretextually labeled her

⁴ On 1/22/20, after exhausting all administrative and judicial remedies, as part of District Court Case Number 2019CV550, DCSD finally released a Colorado Open Records Act (“CORA”) of JBrannberg’s employment file, which they had withheld for nearly 2 years, which included JBrannberg’s 2007 CCRD Employment Discrimination Complaint (JBCORA 1871-1888). <https://drive.google.com/drive/folders/1g4nQ0P5HJGNdA74NpM46ZL68kHymEHe6?usp=sharing>

⁵ The 1/22/20 CORA also contained JBCORA 52-65 AMENDED NOVEMBER 15, 2016 NOTICE OF CLAIM, which describes the 2014 religious discrimination and subsequent retaliation by DCSD, et al.

“litigious”^{6, 7, 8, 9} five times in their DCSD Position Statement¹⁰ filed with the CCRD on November 8, 2017.

DCSD, et al. used Federal discriminatory or unfair third-party employment violations to thwart¹¹ creation of JBrannberg’s schools, employment, and property, land, building ownership in 2014, 2017, 2018, 2019. Employment, property, land, building ownership are Federal Constitutional rights.

Statutory Provision Number Four:

Obstruction of Justice—18 U.S.C. 1503

DCSD, et al. used a broad range of Federal crimes encompassed in 18 U.S.C. 1503 Obstruction of Justice, including altering records, bribery, forgery¹², witness tampering, retaliation, and intimidation, to thwart¹³

⁶ CF, 54-55, § II(H) (District Court Brief)

⁷ 2020CA0641-2020.09.08.—Opening Brief, p 5 ¶1

⁸ 2021SC885, Answer Brief, filed 11/21/22, pp 16-44

⁹ *Infra p 42. (See VIII)*

¹⁰ On 11/8/17, DCSD filed the Brannberg Position Statement (JBCORA 1-26) to the CCRD and pretextually labeled JBrannberg “litigious” 5 times on pp JBCORA 00001, 00002, 00009. CORA released 1/22/20: <https://drive.google.com/drive/folders/1g4nQ0P5HJGNdA74NpM46ZL68kHymEHe6?usp=sharing>

¹¹ *Supra p 3, n 1*

¹² On 1/22/20, 11/8/17, and January 2014, DCSD Attorney and Charter Director Thomas McMillen disseminated a one-way forgery of the original, mutual, two-way CONFIDENTIAL SEPARATION AGREEMENT. The two-way mutual, original Agreement stated: “any dissemination of any draft would be a violation of this agreement.” *Infra p 16, n 42.*

¹³ *Supra p 3, n 1*

creation of JBrannberg's charter schools, employment, property, land, and building ownership in 2014, 2017, 2018, 2019, which is explained below and in Petitioners' 2021SC885 Answer Brief.¹⁴

Obstruction of Justice encompasses a broad range of prohibited acts, as well as a number of specific charges under Title 18 of U.S. Code, including:

- Obstruction of criminal investigations (§ 1510);
- Witness, victim, or informant tampering and retaliation (§§ 1512, 1513);
- Altering (forging), destroying, or falsifying records (§ 1519);
- Obstruction by the corruption of officials or public employees (bribery or fraud)

United States v. Lefkowitz, 125 F. Supp. 2d 236 (S.D.N.Y. 2000); *In re Kassin*, 327 F. Supp. 2d 461 (D.N.J. 2004); *United States v. Craighead*, 539 F.3d 1073 (9th Cir. 2008)

These cases illustrate the serious consequences¹⁵ that result from attorney misconduct, fraud on the Court, forgery, and bribery, and the importance of maintaining the integrity of the legal system.

¹⁴ See 2021SC885, Answer Brief, filed November 21, 2022, pages 19-44

¹⁵ *Infra pp 9-14*

Statutory Provision Number Five:
**Federal Title VII of the Civil Rights Act
of 1964**

Title VII of the Civil Rights Act of 1964, prohibits discriminatory or unfair employment practices in the United States, based on race, color, religion, sex, or national origin. It also prohibits retaliation against employees who complain about discrimination or participate in an investigation.

Starting in 2007, DCSD used Federal discriminatory or unfair third-party employment violations to thwart¹⁶ creation of Petitioner JBrannberg's schools, employment, and property, land, building ownership; retaliated against JBrannberg; and voted to deny her charters in 2014, 2017, 2018, 2019, because she enrolled in protected activity,¹⁷ litigiously¹⁸ complained about DCSD employment discrimination, and participated in multiple investigations.

Statutory Provision Number Six:

18 U.S.C. § 7221b. Grants to support high-quality charter schools.

In 2014, 2017, 2018, 2019, DCSD, et al. thwarted¹⁹ the creation of petitioners' charter schools and denied her terms, conditions, and privileges of third-party

¹⁶ *Supra p 3, n 1*

¹⁷ *Supra p 5, n 4, 5*

¹⁸ *Supra p 6, n 6-10*

¹⁹ *Supra p 3, n 1*

employment, including Federal U.S.C. § 7221b Grants to Support High-Quality Charter Schools.

Statutory Provision Number Seven:

Federal Individuals with Disabilities Education Act (IDEA)

In 2019, in violation to Federal Individuals with Disabilities Education Act (IDEA), DCSD and State Board denied JDI students on the Autism Spectrum a Free Appropriate Public Education (FAPE),²⁰ when they thwarted²¹ creation of JDI, JBrannberg's employment, and property, land, and building ownership. JDI is the first charter school in Colorado history created exclusively for students with Special Needs. *Endrew F. v. DCSD RE-1*, 580 U.S. ___ (2017).

INTRODUCTION

This case impacts the safety of every student in the U.S. and will break the public school monopoly, when the State Board has the final word, in charter school application cases.

This case opens the door to APA Judicial Review, when Federal due process of laws and equal protection of the laws are denied because of criminal and civil statutory non-compliance procedural violations,

²⁰ This was argued by JBrannberg at State Board, District Court 2019CV550, p 5, 12/16/19

²¹ *Id.*

including crimes of Federal Obstruction of Justice—18 U.S.C. 1503.

This case closes the door to recalcitrant State and District Boards, who obstructed justice,²² muzzled, and suppressed JBrannberg's civil liberties and Federal Constitutional rights.²³

The last sentence of section Colorado Revised Statutes C.R.S. § 22-30.5-108(3)(d) states:

“The decision of the state board shall be final and not subject to appeal.”

We are asking the U.S. Supreme Court to overturn the Colorado Supreme Court decision, that the aforementioned statement does **not** apply to all state board decisions under section 108(3). (Emphasis added.)

On October 28, 2021, the Colorado Court of Appeals unanimously concluded 3-0 that the Charter Schools Act **does not bar judicial review** of decisions by the State BoE on first appeal when a local school board decisions encompasses review of the local boards' **compliance**,²⁴ or more aptly stated, when there is gross **non-compliance**, with the procedural requirements of the Act (Charter Schools Act²⁵). (Emphasis added.) App. 37, ¶33:

²² Federal Obstruction of Justice—18 U.S.C. 1503

²³ *Supra pp 2-9*

²⁴ App. 37, ¶33

²⁵ C.R.S. 22-30.5-101 through C.R.S. 22-30.5-704

“Because we conclude that subsection 108(3)(d) does not bar review of JDI’s case, we also disagree with the district court’s conclusion that the provisions of the APA under which JDI brought claims are inapplicable. At oral argument, the School Boards conceded that their “contrary to best interests” review of local board decisions encompasses review of the local boards’ compliance with the procedural requirements of the Act. Given this concession, JDI’s claims regarding the ***District’s alleged procedural violations are reviewable*** under the APA.” (Emphasis added.)

Pursuant to the Court of Appeals ruling, we may therefore legally and lawfully review that DCSD et al. used criminal and civil statutory non-compliance²⁶ within procedural requirements of the Charter Schools Act.

DCSD’s alleged non-compliance with statutory procedures, which are reviewable under APA, deprived the Charter School Founder of Federal due process of law and denied her the equal protection of the laws

²⁶ When the Colorado Supreme Court issued their Opinion on March 6, 2023, they overlooked the school boards’ civil and criminal non-compliance with the statutory procedural requirements of the Act, which the Colorado Court of Appeals stated are reviewable under the APA. (See Colorado Court of Appeals 2020CA641-2021.10.28 Opinion, p 17, ¶33.) Because of the Colorado Court of Appeals Opinion, we deemed it more important in our November 21, 2022, 2021SC885 Answer Brief to explain the Respondents’ serious Federal criminal and civil statutory non-compliance with the procedural requirements. We address the “question” on pages 34-38, IV.

under Federal Title VII of the Civil Rights Act of 1964 from violations of discriminatory or unfair employment practices which were used by third-party employers DCSD, Jeffco, and the State Board, to thwart²⁷ creation of Petitioner JBrannberg's schools, employment, and property, land, and building ownership in 2014, 2017, 2018, 2019.

Third-party employers used breach of contract, forgery²⁸, fraud on the Court, and bribery, which are all violations of Federal 18 U.S.C. § 1503 Obstruction of Justice which JBrannberg litigiously²⁹ complained about and warned DCSD, Jeffco, and State Board.

Starting in 2014, JBrannberg repeatedly and litigiously warned³⁰ and complained to DCSD et al. about the unsafe STEM and DCSD learning environment, caused by a secret, non-transparent, under-the-table bail-out, by the DCSD Board who co-signed/signed-off on a fraudulent \$14.6 million dollar CECFA Bond for STEM School because of their \$2 million dollar shortfall, without meeting 4 of 7 contingencies for a legal 5-year contract, including no legal Parent Complaint and Communication Policy, which muzzled parent complaints, which resulted in the tragic school shooting. The illegal and unlawful Parent Complaint and Communication Policy which STEM had at the time of the tragic shooting on May 7, 2019, stated that students

²⁷ *Supra p 3, n 1*

²⁸ *Supra p 6, n 12*

²⁹ *Supra p 6, n 6-10*

³⁰ *Infra pp 13-14, n 34*

would be expelled from the public school if their parents complained³¹ and warned the school of danger.

When the State BOE had the “final word,” in 2018 and 2019, during JBrannberg’s State Board Appeals, the safety of all U.S. school pupils was put at risk, because DCSD et al. and their attorneys³² obstructed justice and covered up the School District’s criminal and civil statutory non-compliance, which was contrary to the best interests and safety of pupils, district, and the community.³³

The result was the tragic school shooting, murder, and slaughter on May 7, 2019, at STEM School Highlands Ranch, the charter school which Petitioner JBrannberg Co-Founded in November 2009, together with her husband Barry Brannberg.

From 2014 to the present, JBrannberg repeatedly warned³⁴ the District and State Boards about criminal

³¹ *Infra pp 13-14 n 34*

³² OARC Investigation—*infra*, pp 29-32

³³ C.R.S. § 22-30.5-108(3)(a)

³⁴ The warnings were included in JBrannberg’s 2023 ASI and JDI Charter Applications at this link: https://drive.google.com/drive/folders/1h1YgbwvZ4RGP61TacBRKe8QRPO-_bKJl?usp=share_link

Appendix Z4—#88-8.2.21—When Kendrick Castillo was murdered

Appendix Z6—#55-4.28.21 Ms. JBrannbergs WARNINGS Were Not Heeded

Appendix Z7—#56-5.1.21 January 22, 2017 WARNING!

Appendix Z8—#57-5.2.21 Correction and Clarification

Appendix Z9—#58-5.3.21 Additions January 22, 2017 WARNING!

and civil statutory non-compliance, who muzzled and suppressed JBrannberg's complaints and warnings, threatened her, pretextually labeled her litigious,³⁵ retaliated against her, and then voted to deny her charters in 2014, 2017, 2018, 2019, to keep under wraps their crimes listed below.³⁶

Largest Public School Scandal In U.S. History

This case exposes the largest public school scandal in U.S. history, with egregious, unimaginable criminal misconduct by taxpayer-funded public school boards, staff, and their attorneys.

STATEMENT OF THE CASE

A. Factual Background

On February 15, 2007, Charter School Founder and Petitioner JBrannberg made a complaint of discrimination against DCSD and enrolled in CCRD

Appendix Z10—#59-5.5.21 DCSD BOE President

Appendix Z11—#60-5.7.21 JBrannberg's Warnings of Crimes were COVERED-UP, Dismissed as Litigiousness

Appendix Z12—#61-5.11.21 Brannberg's Charters were NOT evaluated on their MERITS—Denial was because of PRETEXT

³⁵ *Supra p 6, n 6-10*

³⁶ *Infra pp 29-32; VI. pp 38-40*

Protected Activity³⁷ (JBCORA 1871-1888),³⁸ after her former employer, TRHS at DCSD, refused to rehire her, despite stellar, outstanding, excellent job evaluations and recommendations³⁹ from her 2000-2005 employment at TRHS DCSD.

In November 2009, Judy Brannberg together with her husband Barry Brannberg, co-founded Science, Technology, Engineering, Math (“STEM”) School and Academy in Highlands Ranch, when the Board voted 7-0 to approve their charter.

In August 2011, they opened the largest charter school in DCSD and Colorado history, which experienced unprecedented educational and financial success under their leadership. Barry Brannberg served as President/Business Manager of the School. JBrannberg served as Executive Director/Program Manager/Grant Writer for the after-school, separate non-profit STEM Academy, which provided STEM programming to all community students, with over 100 after-school STEM-focused competitions, clubs, classes, and/or activities, using no governmental funding. During

³⁷ “Employees who have engaged in protected activity (such as making a complaint of discrimination) are protected from retaliation for doing so.” <https://ccrd.colorado.gov/discrimination>

³⁸ *Supra p 5, n 4, 5*

³⁹ JBCORA 2284-2389, pages JBCORA 02306, 02337 <https://drive.google.com/drive/folders/1g4nQ0P5HJGNdA74NpM46ZL68kHymEHe6?usp=sharing>

the first year, JBrannberg fund-raised more than \$468,000.00.⁴⁰

In March 2013, Barry and Judy Brannberg left the STEM School and signed the original mutual, two-way, CONFIDENTIAL SEPARATION AGREEMENT,⁴¹ which had no non-compete clause.

The two-way mutual, original Agreement stated: “any dissemination⁴² of any draft would be a violation of this agreement.”

In January 2014, DCSD Charter Director and Attorney Tom McMillen solicited from STEM School Director Penny Eucker, and then disseminated⁴³ to DCSD, a one-way, forgery,⁴⁴ fraudulent misrepresentation, an altered contract of the original, two-way, mutual Confidential Separation Agreement from STEM,

⁴⁰ JBCORA 503-522, CLARIFICATION OF PREVIOUS CHARTER SCHOOL EXPERIENCE, including Audit, released January 2020: <https://drive.google.com/drive/folders/1g4nQ0P5HJGNdA74NpM46ZL68kHymEHe6?usp=sharing>

⁴¹ JBCORA 2153-2186, 015CV30586 with Original Brannberg CONFIDENTIAL SEPARATION AGREEMENT (2180-2186), released January 2020: <https://drive.google.com/drive/folders/1g4nQ0P5HJGNdA74NpM46ZL68kHymEHe6?usp=sharing>

⁴² *Id.* at ¶11 JBCORA (02183), released January 2020: <https://drive.google.com/drive/folders/1g4nQ0P5HJGNdA74NpM46ZL68kHymEHe6?usp=sharing>

⁴³ JBCORA 2126-2152—Brannberg Position Statement with Forgery (2146-2152) of the Brannberg Confidential Separation Agreement, disseminated by DCSD January 2020: <https://drive.google.com/drive/folders/1g4nQ0P5HJGNdA74NpM46ZL68kHymEHe6?usp=sharing>

⁴⁴ *Supra* p 6, n 12

purported as the original, to thwart⁴⁵ creation of JBrannberg's new schools, employment, and property, land, building ownership in 2014, 2017, 2018, 2019.

The one-way forgery illegally allowed STEM and DCSD to lie, slander, and disparage Barry and Judy Brannberg's excellent charter school history⁴⁶ and reputation because the forged⁴⁷ document was not the original, mutual, two-way Agreement and had no clause prohibiting dissemination nor disparagement.

In March 2014, JBrannberg submitted a charter application to DCSD, for Alexandria School of Innovation ("ASI"), a STEM-based school, which was denied because of false and slanderous reviews by DCSD, STEM, and Jeffco due to third-party employment violations of Title VII of the Civil Rights Act of 1964,⁴⁸ civil and criminal statutory non-compliance, and obstruction of justice, forgery, bribery, witness/victim tampering, intimidation and retaliation, to thwart⁴⁹ creation of JBrannberg's schools, employment, and property, land, building ownership. App. 37, ¶33

(JBrannberg did not discover the illegal dissemination, third-party employment discrimination and criminal collusion by STEM, DCSD, and Jeffco until

⁴⁵ *Supra p 3, n 1*

⁴⁶ *Supra p 16, n 40*

⁴⁷ *Page 16, n 41-44*

⁴⁸ *Supra p 5, n 5*

⁴⁹ *Id.*

May/June 2016, during DCSD/Jeffco Colorado Open Records Act (“CORA”).

JBrannberg did not discover the forgery until DCSD disseminated⁵⁰ the forged and altered document to the CCRD on November 8, 2017, which was a violation of Federal Title 18 of U.S. Code altering, destroying, or falsifying records (18 U.S.C. §§ 1503, 1519).)

In August 2014, JBrannberg submitted a charter application to Jeffco for ASI.

On November 8, 2014, the night that JBrannberg’s charter should have been approved easily by a pro-charter Jeffco Board, a STEM employee testified at Jeffco Public Comment and slandered, lied about, smeared, and disparaged JBrannberg’s excellent STEM School financial and educational charter school history, which resulted in a 5-0 charter denial by the Jeffco Board of Directors.

STEM’s false testimony was in violation to the original, two-way, mutual, Confidential Separation Agreement, signed by Barry and Judy Brannberg⁵¹ on March 31, 2013, and by STEM School Board Chair Matthew Smith and STEM Academy Board Chair Darrell Phippen on March 29, 2013.

⁵⁰ *Supra p 16, n 41-44*

⁵¹ *Id.*

In June 2015, JBrannberg filed a breach of contract lawsuit⁵² against STEM School in Douglas County District Court 15CV30586, which was dismissed in August 2015, because she did not make it to discovery and did not have criminal evidence to defend the Motion to Dismiss.

After 15CV30586 was dismissed, JBrannberg discovered by herself, that the attorney who represented her was a disbarred attorney, Unauthorized Practicing Law. Attorney David Williams allowed the disbarred attorney Clifford Cozier⁵³ to practice at his law firm, without supervision and without notifying Mrs. Brannberg that he was disbarred, which were violations of the Rules of Professional Conduct (“RPC”) 5.5(d).⁵⁴

⁵² JBCORA 2153-2186, released January 2020 at: <https://drive.google.com/drive/folders/1g4nQ0P5HJGNdA74NpM46ZL68kHymEHe6?usp=sharing>

⁵³ <https://coloradosupremecourt.com/Search/AttyResults.asp>

⁵⁴ RPC 5.5 (d) A lawyer shall not allow a person the lawyer knows or reasonably should know is disbarred, suspended, or on disability inactive status to have any professional contact with clients of the lawyer or of the lawyer’s firm unless the lawyer:

(1) prior to the commencement of the work, gives written notice to the client for whom the work will be performed that the disbarred or suspended lawyer, or the lawyer on disability inactive status, may not practice law; and

(On October 23, 2021,⁵⁵ during the Colorado Supreme Court OARC investigation,⁵⁶ Attorney David Williams committed suicide.)

In May and June 2016, JBrannberg exercised the DCSD and Jeffco CORA requests and discovered third-party § 24-34-402. C.R.S.—Discriminatory or unfair employment practices, and breach of contract by STEM, DCSD, and Jeffco.

She and her new attorney, John Cimino, wrote and timely filed a Notice of Claim⁵⁷ with Colorado Attorney General, et al. summarizing new evidence obtained in the 2016 CORA, pursuant to § 24-10-109 C.R.S.

In March 2017, JBrannberg submitted a new ASI charter application to DCSD.

On May 27, 2017,⁵⁸ in an email to the DCSD Board she shared facts that she discovered in the May 2016

⁵⁵ <https://www.horancares.com/obituary/DavidDK-WilliamsJr>

⁵⁶ See OARC Complaint at https://drive.google.com/drive/folders/1ZnNkbdgIQLf_gj9y-uydcXdacf71beJ?usp=sharing Folder + 7. Colorado Supreme Court Colorado Attorneys' Fund for Client Protection Claim Application, which the Colorado Supreme Court refused to allow JBrannberg to file as evidence in her 2021SC885 Colorado Supreme Court case, because OARC obstructed justice and covered up attorney crimes.

⁵⁷ JBCORA 52-65, released January 2020 at: <https://drive.google.com/drive/folders/1g4nQ0P5HJGNdA74NpM46ZL68kHymEHe6?usp=sharing>

⁵⁸ JBCORA 523-526, released January 2020 at: <https://drive.google.com/drive/folders/1g4nQ0P5HJGNdA74NpM46ZL68kHymEHe6?usp=sharing>

DCSD CORA, and litigiously⁵⁹ complained and warned⁶⁰ the Board about the secret STEMgate scandal, \$2 million dollar catastrophic financial failure, the illegal Board bail-out with a fraudulent \$14.6 million CECFA bond, cover-up, and employment discrimination.

If DCSD, State Board, and CCRD had heeded her warnings,⁶¹ the May 7, 2019, STEM School shooting, murder, and slaughter would have been prevented, because the current STEM Board and administration should have been immediately removed because of failed leadership, fiscal mismanagement, and secret \$2 million dollar bail-out. They got away with murder.

After she shared the May 27, 2017, email warnings⁶² with the Board, JBrannberg endured fierce harassment and threats⁶³ from the DCSD Board President. In retaliation to JBrannberg's warnings and complaints, the Board voted to deny her charter on June 20, 2017.

In June 2017, JBrannberg filed a retaliation claim with the CCRD,⁶⁴ because the Board retaliated against her and voted to deny her charter because she

⁵⁹ *Supra p 6, n 6-10*

⁶⁰ *Supra pp 13, 14, n 34*

⁶¹ *Id.*

⁶² *Id.*

⁶³ 2021SC885 November 21, 2022 Answer Brief, pp 24-26

⁶⁴ 17.08.24—DCSD CCRD Charge of Discrimination at: <https://drive.google.com/drive/folders/1g4nQ0P5HJGNdA74NpM46ZL68kHymEHe6?usp=sharing>

litigiously⁶⁵ complained of discrimination, STEM fraudulent bond, and the million dollar bail-out.

The DCSD Board President called Mrs. Brannberg a discriminatory slur/epithet,⁶⁶ when she sought a Letter of Support from a U.S. Congressman Ken Buck's office, which DCSD did not deny or refute in their November 8, 2017 CCRD Position Statement,⁶⁷ which contained the forgery.

DCSD contended in their CCRD Position Statement⁶⁸ (JBCORA 00007)⁶⁹ that the CCRD Investigation would not yield Mrs. Brannberg's desired relief—charter approval—pursuant to *Clasby v. Klapper*, 636 P.2d 682, 684 (Colo. 1981).

DCSD said that the only prescribed avenue of review⁷⁰ for charter approval, is this APA Judicial Review appeal to State Board, District Court, Colorado Court of Appeals, Colorado Supreme Court, and finally to the

⁶⁵ *Supra* pp 5, 6, n 4-10

⁶⁶ 12.21.17—Kendal Unruh Witness Statement at: <https://drive.google.com/drive/folders/1g4nQ0P5HJGNdA74NpM46ZL68kHymEHe6?usp=sharing>

⁶⁷ *Supra* p 6, n 6-12

⁶⁸ *Supra* p 16, n 43

⁶⁹ DCSD Attorney stated: “Brannberg should have appealed the Board’s decision to the State Board pursuant to state statute. C.R.S. §§ 22-30.5-107(3); 22-30.5-108 . . . a party cannot circumvent these limitations on his right of review by attempting to obtain declaratory or injunctive relief where the prescribed avenue of review is adequate.” *Clasby v. Klapper*, 636 P.2d 682, 684 (Colo. 1981).”

⁷⁰ *Id.*

U.S. Supreme Court, which is where JBrannberg and JDI are today.

On November 8, 2017, DCSD, in the Position Statement,⁷¹ disseminated⁷² the one-way forgery,⁷³ purported as the original, from one governmental agency (DCSD), to another governmental agency (CCRD), to bribe the CCRD investigation, so that DCSD could illegally slander, disparage, smear, and lie about JBrannberg's excellent charter history.⁷⁴

This was attorney fraud on the Court.⁷⁵ *United States v. Lefkowitz*, 125 F. Supp. 2d 236 (S.D.N.Y. 2000); *In re Kassin*, 327 F. Supp. 2d 461 (D.N.J. 2004); *United States v. Craighead*, 539 F.3d 1073 (9th Cir. 2008)

This breached Federal Crimes of Obstruction of Justice 18 U.S.C. §§ 1503, 1519, and Colorado Revised Statutes Title 18 Criminal Code § 18-5-102 Forgery which states:

- “(1) A person commits forgery, if, *with intent to defraud*, such person *falsely makes*, *completes*, *alters*, or *utters* a *written instrument which is or purports to be*, or which is calculated to become or to represent if completed:
- (c) A deed, will, codicil, *contract*, assignment, commercial instrument, promissory note, check,

⁷¹ *Supra p 6, n 6-10*

⁷² *Supra p 16, n 41-44*

⁷³ *Supra p 6, n 12*

⁷⁴ *Supra p 5, n 5; p 16 n 40*

⁷⁵ *Infra pp 29-32*

or other instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal right, interest, obligation, or status; or

(d) *A public record or an instrument filed or required by law to be filed or legally fileable in or with a public office or public servant; or*

(e) *A written instrument officially issued or created by a public office, public servant, or government agency*" (Emphasis added.)

JBrannberg litigiously⁷⁶ complained to DCSD, STEM, State Board, CCRD, Jeffco, OARC, DC Sheriff, and District Attorney, who did not make arrests and did not take remedial measures for the forged, altered documents.⁷⁷

In March 2018, JBrannberg submitted the ASI Charter Application to DCSD, for the third time, which was also denied in June 2018.

In June 2018, she obeyed DCSD Board's orders and appealed the decision to State Board, where she litigiously complained about § 24-34-402. C.R.S.—Discriminatory or unfair employment practices,⁷⁸ third-party

⁷⁶ *Supra p 5, n 4, 5 and p 6, n 6-10*

⁷⁷ JBrannberg did not discover the forgery until December 2017, after she received the DCSD Position Statement filed by DCSD to CCRD.

⁷⁸ Nearly 500 pages of the 4000+ charter application were litigious discrimination complaints.

employment discrimination,⁷⁹ forgery, altered documents,⁸⁰ and fraudulent misrepresentation.

DCSD, State Board, and CCRD obstructed justice 18 U.S.C. 1503, covered-up crimes and once again DCSD retaliated against her for litigious complaints and voted to deny her charter appeal, despite 500 pages of complaints about employment discrimination in the 4000+ page 2018 charter, and complaints about the forgery. This was witness intimidation, retaliation, and tampering.

Had the CCRD, DCSD and the State Board uncovered and transparently exposed the crimes during the 2017 and 2018 CCRD investigations and DCSD charter applications, the tragic May 7, 2019, school shooting, murder, and slaughter would have been prevented. They got away with murder.

Instead, DCSD, State Board, and CCRD obstructed justice and covered up their own crimes.

In March 2019, JBrannberg submitted a new charter application to DCSD, for JDI, an alternative inclusion school for students on the Autism Spectrum.

In June 2019, JDI was denied by DCSD without a resolution, no community meeting, without Federal due process of law.⁸¹

⁷⁹ *Supra p 3, n 1*

⁸⁰ 18 U.S.C. 1503

⁸¹ *Supra pp 3-4*

On August 15, 2019 the State Board, wrongly denied JBrannberg's appeal.

This time, JBrannberg did not stop.

On September 19, 2019, JBrannberg sought APA Judicial Review through District Court because, pursuant to DCSD Attorneys⁸² during the CCRD Investigation, this was the only prescribed avenue of review⁸³ to obtain the relief she needed: charter approval.

An employment discrimination or breach of contract lawsuit will not provide the relief of charter approval.⁸⁴

On January 22, 2020, after exhausting all legal and administrative remedies, and after spending thousands of dollars in legal fees, DCSD finally released a 2600+ page CORA request,⁸⁵ which was part of the APA Judicial Review District Court 2019CV550, which DCSD had refused to release for almost 2 years, because they covered-up their Federal Crimes of Obstruction of Justice 18 U.S.C. 1503, and denied JBrannberg Federal due process of law.

In the January 22, 2020, CORA, JBrannberg discovered that once again, DCSD Attorney/DCSD Charter

⁸² *Supra p 22, n 68-69*

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Supra p 5, n 4, 5*

Director McMillen disseminated⁸⁶ the forgery of their Confidential Separation Agreement during the ASI Charter Application process at DCSD, to thwart⁸⁷ creation of JBrannberg's schools, employment, and property, land, building ownership in 2014, 2017, 2018, 2019.

This is important because JBrannberg is within the statute of limitations for Obstruction of Justice, forgery, altering documents, witness intimidation, tampering, retaliation and breach of contract by DCSD, et al. and their attorneys.

In addition to the dissemination of the forgery, the January 22, 2020,⁸⁸ CORA release also included JBrannberg's DCSD employment files, including her 2007 CCRD Complaint because of DCSD religious discriminatory and unfair employment practices, Title VII of the Civil Rights Act of 1964.

Despite this new CORA evidence, JBrannberg's attorney John Cimino,⁸⁹ refused to amend the complaint with the bountiful criminal evidence for District Court Case 2019CV550, despite a conferral with the

⁸⁶ *Supra p 16, n 41-44*

⁸⁷ *Supra p 3, n 1*

⁸⁸ *Supra p 5, n 4-5; p 6, n 6-10*

⁸⁹ See OARC Complaint at https://drive.google.com/drive/folders/1ZnNkbdglQLf_gj9y-uydcXdacf71beJ?usp=sharing Folder + 7. Colorado Supreme Court Colorado Attorneys' Fund for Client Protection Claim Application, which the Colorado Supreme Court refused to allow JBrannberg to file as evidence in her 2021SC885 Colorado Supreme Court case, to obstruct justice and cover up attorney crimes.

opposing attorneys Julie Tolleson (State Board) and Elliott Hood (DCSD) with the amended complaint (which JBrannberg wrote), because he was dishonestly bought out by DCSD to thwart creation of JBrannberg's schools, employment, and property, land, and building ownership.

On February 26, 2020, District Court denied Judicial Review, because of lack of jurisdiction.

In March 2020, JBrannberg filed a timely appeal to the Court of Appeals.

In March 2020, JBrannberg began filing complaints to the Colorado Supreme Court OARC⁹⁰ for attorney fraud and theft of client funds against 25 attorneys, which are explained below in Section B. Criminal and Civil Investigations Background.

On October 28, 2021, the Colorado Court of Appeals unanimously concluded 3-0 that the Charter Schools Act **does not bar judicial review** of decisions by the State BoE on first appeal when a local school board decisions encompasses review of the local boards' **compliance**.⁹¹ App. 37, ¶33

On March 6, 2023, the Colorado Supreme Court reversed the Court of Appeals and overlooked the school boards' federal obstruction of justice, serious crimes, and non-compliance procedural violations, which were the subject of JBrannberg's Supreme Court

⁹⁰ *Id.*

⁹¹ *Supra* pp 2-9; *Infra* pp 29-32; pp 37-42

Answer Brief, which the Court of Appeals said are reviewable under APA.

Since 2014, JBrannberg has personally spent over \$182,963.00 in legal fees to fight District and State Boards' criminal and civil statutory non-compliance, to gain charter approval for 17 schools.

B. Criminal/Civil Investigations Background

In November 2019, the DC Sheriff opened a criminal investigation. JBrannberg filed over 1000 exhibits, and over 120 evidentiary briefs and complaints (most over 100 pages and some 400+ pages), to the following judicial and governmental regulatory agency investigations.⁹²

District Attorney, 18th Judicial District
DA John Kellner
Case: 2019-124545

Douglas County Sheriff's Office, Economic
Crime Unit—Lt. Joel White, Investigator
Case: 2019-124545

Colorado Civil Rights Division
Aubrey Elenis, Director
Charge: 00011155 and FE2018320786

Colorado Supreme Court OARC
Jessica Yates, Counsel

⁹² Exhibits and briefs at link: https://drive.google.com/drive/folders/1ZnNkbgIQLf_gj9y-uydcXdacft71beJ?usp=sharing

Robert Montgomery (DCSD) 20-932
William Trachman (DCSD) 20-933
Thomas McMillen (DCSD/Jeffco) 20-934
Elliott Hood 20-935 (DCSD/Jeffco)
Kristin Edgar 20-936 (DCSD/Jeffco)
Mary Kay Klimesh 20-937 (DCSD)
Steve Colella 20-938 (DCSD)
Julie Tolleson 20-939 (State Board/Jeffco)
Jenna Zerylnick 20-940 (State Board)
William Bethke 20-941 (STEM)
Aubrey Elenis 20-942 (CCRD)
Bruce James 20-943 (Sterling Ranch)
Barry Arrington 20-1046 (STEM)
Craig Hess 20-1047 (Jeffco)
Calvin Hanson 21-2454 (CECFA)
Kent Veio 21-2455 (CECFA)
Hester Parrot 21-2453 (CECFA)
John Cimino 21-2118
David Williams 21-2114
Clifford Cozier 21-2097
Karin Rosarne 21UPL46
Robert Ross 21-2637 (DCSD)
Michael Zywicki 21-2647 (STEM)
Jake Spratt 21-2648 (Sterling Ranch)
Steven Klenda 22-1810

**Pursuant to Regulations of Lawyers Statutes
and Rules of Professional Conduct (“RPC”) 3.3:**

- (a) A lawyer shall not knowingly:
 - (4) offer evidence that the lawyer knows to be false. If a lawyer has offered material evidence and comes to know of its falsity, the lawyer shall take reasonable remedial measures.

Requesting Attorney Remedial Measures

We are requesting remedial measures from the aforementioned OARC investigated attorneys because they knew about the forgery of the Confidential Separation Agreement and/or the fraudulent STEM School CECFA Bond and obstructed justice and covered-up of the largest public education scandal in U.S. history, which resulted in the tragic school shooting and murder on May 7, 2019.

Pursuant to C.R.C.P 251. 32: No Rule of Limitations for Attorney Theft or Fraud

There was both theft of client funds and fraud.

Reimbursement Of Attorney Funds

Attorneys Williams, Cimino, and Klenda, were paid \$122,516.00 by Mrs. Brannberg, to represent her against breach of contract, forgery, fraud, etc. Each violated the RPC 3.3. and dishonestly used fraud and theft of client funds, described in investigation documents,⁹³ and obstructed justice to cover up opposing parties' crimes.

In September 2022, after the Colorado Supreme Court granted Cert, JBrannberg applied for reimbursement from the Supreme Court OARC Attorney's

⁹³ Please refer to the exhibits at this link: https://drive.google.com/drive/folders/1ZnNkbdglQLf_gj9y-uydcXdacf71beJ?usp=sharing Folder +7. Colorado Supreme Court Colorado Attorney's Fund for Client Protection

Fund for Client Protection, to recoup her losses, so that she could hire an appeals attorney.

The OARC wrongly denied her request, obstructed justice in order to cover-up attorney fraud on the Court, and theft of client funds and therefore JBrannberg is representing herself pro se.

See 21SC885-2022.10.11. Order of the Court—Colo Sup Ct.

REASONS TO GRANT THE PETITION

I. Certiorari Should Be Granted because the Colorado Supreme Court obstructed justice pursuant to 18 U.S.C. 1503, and covered up Office of Attorney Regulation Counsel (“OARC”) attorney crimes and investigations

The aforementioned 25 attorneys were part of the cover-up of the largest public education scandal in United States history, including Federal crimes of 18 U.S.C. 1503, fraud on the Court, bribery.

The Colorado Supreme Court obstructed justice and covered up attorney criminal and civil statutory non-compliance and prohibited JBrannberg from mentioning the OARC attorney fraud, fraud on the Court, alteration of documents, and theft of client funds charges, in her Colorado Supreme Court Case

2021SC885,⁹⁴ because “the motions and attachments are not permitted fillings under Colorado Rules of Appellate Procedure, nor do they request actionable relief that the Court could grant.”

II. Certiorari Should Be Granted because the U.S. Supreme Court has jurisdiction over Federal crimes of 18 U.S.C. 1503 Obstruction of Justice.

JBrannberg has not been prohibited by the U.S. Supreme Court from mentioning attorney Federal crimes of Obstruction of Justice, because it has jurisdiction with Federal Crimes of 18 U.S.C. 1503 Obstruction of Justice and can provide actionable relief that the Court could grant. *United States v. Lefkowitz*, 125 F. Supp. 2d 236 (S.D.N.Y. 2000); *In re Kassin*, 327 F. Supp. 2d 461 (D.N.J. 2004); *United States v. Craighead*, 539 F.3d 1073 (9th Cir. 2008)

III. Certiorari Should Be Granted because DCSD, et al. used a broad range of prohibited Federal crimes encompassed in 18 U.S.C. 1503 Obstruction of Justice.

DCSD, et al. and twenty-five attorneys, used Federal Crimes of 18 U.S.C. 1503 Obstruction of Justice, including altering records, bribery, forgery, fraud on the Court, witness and victim tampering,

⁹⁴ See 21SC885-2022.10.11. Order of the Court—Colo Sup Ct.

retaliation, intimidation, and employment discrimination⁹⁵ to thwart⁹⁶ the creation of JBrannberg's schools, employment, property, land, and building ownership in 2014, 2017, 2018, 2019, which was explained in detail in JBrannberg's 2021SC885 Answer Brief⁹⁷ and explained in this Petition for Certiorari.⁹⁸

IV. Certiorari Should Be Granted because the decision of the state board shall be final and not subject to appeal—does *NOT* apply to all state board decisions under section 108(3).

The Colorado Supreme Court Opinion, App. 21, ¶41, stated:

“We are not persuaded otherwise by any of JDI’s arguments. In its answer brief, JDI raised many merits-based contentions and policy claims. JDI did not, however, address the narrow issue of statutory interpretation on which we granted certiorari. Nor did JDI respond in any way to the points made by defendants in their joint opening brief, which did address the issue before us. JDI’s merits-based arguments are simply not before us.”

⁹⁵ *Supra p 5, n 4, 5*

⁹⁶ *Supra p 3, n 1*

⁹⁷ See 2021SC885, JBrannberg’s Answer Brief, filed 11/21/22, pp 4-44

⁹⁸ *Supra pp 2-9; pp 29-32; Infra pp 37-51*

At the aforementioned request of the Colorado Supreme Court, we respond below to their points and address the narrow issue of statutory interpretation of C.R.S. § 22-30.5-108(3)(d)—“The decision of the state board shall be final and not subject to appeal”—***does not apply*** to all state board decisions under section 108(3) and therefore respond to the following points made by the Supreme Court Opinion. Here is our response:

A. Pioneer Petitioner Pro Se JBrannberg appealed the State Board denial, to protect the safety of all U.S. school students. Without APA Judicial Review, District and State Boards got away with murder

In August 2019, shortly after the State Board denied her charter school for the 2nd time (2018, 2019) and after the DCSD denied her charters for the 4th time (2014, 2017, 2018, 2019), pro se Petitioner JBrannberg first discovered this previously unchallenged “first appeal” language.

No other charter school founder had ever challenged this first appeal language since the Charter Schools Act was voted into law in 1993. Because JBrannberg is a pioneer, she was willing to take the risk, and go where no other charter school founder had ventured to explore—APA Judicial Review. Here is why:

B. Charter Schools Act contains two separate appeals

The Colorado Charter Schools Act contains two separate appeals. Section 22-30.5-108(2) is the first appeal. Nothing in that section says that the decision of the State Board is final. Nothing. If it had said “final” JBrannberg would not have spent thousands of dollars on APA Judicial Review.

JBrannberg took a calculated risk based on there was not finality language in the first appeal, meaning that APA Judicial Review was legal after the first appeal.

C. Only the second appeal is final and not subject to appeal

The Colorado Charter Schools Act describes the second appeal in subsection 108(3)(d), as totally separate from the first appeal. Only subsection 22-30.5-108(3)(d), which comes after the language of the second notice of appeal, concludes by stating that “[t]he decision of the state board shall be *final* and not subject to appeal.”

The Colorado Supreme Court stated why the Colorado Court of Appeals made their decision to agree with petitioners’ conclusion and reverse the District Court ruling in App. 6 ¶10:

“The division found support for its conclusion in the facts that (1) the appeal-preclusion clause appears only in section 22-30.5-108(3)(d)

(the provision detailing the State Board's second-appeal review); and (2) that section references a "singular and definite 'decision' in a process containing two possible state board decisions." Id. at ¶¶25, 28-31, 503 P.3d at 898-99."

V. Certiorari Should Be Granted when there is non-compliance with procedural requirements of the Act, because it compromised the safety of all U.S. students.

We strongly disagree with the Colorado Supreme Court and strongly agree with the Colorado Court of Appeals who stated:

App. 37, ¶33 "Because we conclude that subsection 108(3)(d) does not bar review of JDI's case, we also disagree with the district court's conclusion that the provisions of the APA under which JDI brought claims are inapplicable. At oral argument, the School Boards conceded that their "contrary to best interests" review of local board decisions encompasses review of the local boards' *compliance with the procedural requirements of the Act*. Given this concession, JDI's claims regarding the District's alleged procedural violations are reviewable under the APA."

In this case, there has been gross non-compliance by the DCSD and State Board who used a broad range of prohibited Federal crimes encompassed in 18 U.S.C.

1503 Obstruction of Justice,⁹⁹ to cover-up their renegade and out-of-control statutory defiance.

These attorney, district board and state board crimes compromised the safety of every school student in the U.S. which resulted in the tragic STEM School shooting on May 7, 2019.

VI. Certiorari Should Be Granted because DCSD, State Board, et al. used Federal crimes of Obstruction of Justice and alleged due process of law procedural violations to thwart¹⁰⁰ creation of JBrannberg's Schools in 2014, 2017, 2018, 2019.

DCSD failed to comply with Charter Schools Act Statutory Requirements § 22-30.5-107(2)—Failure to hold a Community Meeting in 2018, 2019, because DCSD obstructed justice, tampered with, interfered, and retaliated against Witness JBrannberg, muzzled, and suppressed her warnings¹⁰¹ and complaints of the following criminal and civil statutory non-compliance violations¹⁰² which were used by DCSD, Jeffco, and State Board to thwart¹⁰³ creation of her schools, employment, and property, land, building ownership.

⁹⁹ *Id.*

¹⁰⁰ *Supra p 3, n 1*

¹⁰¹ *Supra pp 13-14, n 34*

¹⁰² *Supra p 34, n 97*

¹⁰³ *Supra p 3, n 1*

All of the following Colorado State Statutes, which were explained at length in JBrannberg's Supreme Court Answer Brief¹⁰⁴ are encompassed in the following Federal Obstruction of Justice—18 U.S.C. 1503 or are violations of Federal Title VII of the Civil Rights Act of 1964:

- A. § 24-34-402. C.R.S.—Discriminatory or unfair employment practices
- B. § 18-5-102 C.R.S.—Forgery/Fraudulent Misrepresentation
- C. § 18-5-209 Fraud in obtaining property or services. Issuing a false financial statement—obtaining a financial transaction device by false statements
- D. § 18-3-102 C.R.S. Murder in the first degree
- E. § 18-8-306 C.R.S.—Bribery and corrupt influences, attempt to influence a public servant, quid pro quo
- F. § 7-58-704 C.R.S.—Breach of contract, slander, libel per se, libel per quod, third-party tortious interference with prospective advantage, unfair business practice, anti-trust
- G. § 18-2-201 C.R.S. Criminal conspiracy
- H. § 24-72-201-206 C.R.S. CORA violations
- I. C.R.S. § 18-9-111. Harassment § 18-8-704. Intimidating a witness or victim, § 18-8-706.

¹⁰⁴ *Supra p 34, n 97*

Retaliation against a witness or victim, § 18-8-707. Tampering with a witness or victim

J. § 24-6-402 Colorado Sunshine Law—Open Meetings Law (“COML”)

DCSD, State Board, et al. got away with murder because they refused to heed JBrannberg’s warnings,¹⁰⁵ because there was no APA Judicial Review to voice complaints, which left students unprotected and unsafe.

VII. Certiorari Should Be Granted because third-party Colorado employers, deprived JBrannberg of life, liberty, employment, and property, land, building ownership, without Federal due process of law and Federal equal protection of the laws.

A. DCSD failed to comply with Charter Schools Act Statutory Requirements § 22-30.5-107(2)—Failure to hold a Community Meeting in 2018, 2019 because DCSD obstructed justice, tampered, interfered, and retaliated against Witness JBrannberg and muzzled her warnings and complaints of the criminal and civil statutory procedural non-compliance violations¹⁰⁶ which were used by DCSD, et al. to thwart¹⁰⁷ the creation of her schools, employment, and property, land, building ownership.

¹⁰⁵ *Supra pp 13-14, n 34*

¹⁰⁶ *Supra pp 2-9; pp 29-40; Infra pp 40-51*

¹⁰⁷ *Supra p 3, n 1*

B. DCSD failed to rule by resolution on the application for a charter school in a public hearing, pursuant to § 22-30.5-107(2) C.R.S.

In 2019 and 2018, pursuant to the State BoE Updated Charter School Appeal Rules in E.2. which states in pertinent part: (App. 56, ¶2)

“The record on appeal shall presumptively include: 2. The resolution or other written grounds for the authorizer’s determination (the absence of which may be deemed a waiver of any such grounds).”

Because there was no resolution in the Record, there were no written grounds for denial, and it is deemed a waiver of any such grounds.(App. 26, ¶5)¹⁰⁸

This was breach of 18 U.S.C. 1503—Obstruction of Justice, witness intimidation, retaliation, and tampering, to hide the paper trail of DCSD, et al’s. alleged aforementioned criminal misconduct.¹⁰⁹

C. DCSD missed the 15-day deadline pursuant to § 22-30.5-107(4) C.R.S. to notify the Department of Education of the denial and the reasons therefor, to obstruct justice and cover-up evidence that DCSD unfairly denied Mrs. Brannberg’s excellent charter applications.

Third-party employer DCSD Board used habitual crime infested non-compliance procedural violations,

¹⁰⁸ 2020CA641-2021.10.28 Opinion, pp 3, 4 ¶5

¹⁰⁹ *Supra p 34, n 97*

without Federal due process of law and Federal equal protection of the laws to thwart¹¹⁰ creation of JBrannberg's schools, employment, and property, land, building ownership.

VIII. Certiorari Should Be Granted because DCSD pretextually denied JBrannberg's charters because they labeled her "litigious" because her complaints uncovered DCSD et al. crimes and civil statutory non-compliance violations.

On November 8, 2017, the DCSD Board filed their Position Statement¹¹¹ in response to JBrannberg's CCRD Complaint, which included the one-way forgery of the original two-way CONFIDENTIAL SEPARATION AGREEMENT.¹¹²

Five times in the Position Statement prepared for the CCRD, DCSD labeled JBrannberg "litigious"¹¹³ which proves that they pretextually denied her charters, in order to obstruct justice and cover-up their own crimes, which resulted in the tragic STEM School shooting, murder, and slaughter on May 7, 2019, and egregious STEMgate scandal.

¹¹⁰ *Supra p 3, n 1*

¹¹¹ *Supra p 6, n 6-10*

¹¹² *Supra p 16, n 41-44*

¹¹³ *Supra p 6, n 6-10*

IX. Certiorari should be granted because without judicial review there are no checks and balances, which places all U.S. students at a safety risk.

Because of the current interpretation of C.R.S. § 22-30.5-108(3)(d), the State Board has the final word on all charter appeals. Hence, the DCSD board can use whatever criminal and civil statutory procedural violations that they so choose, to thwart¹¹⁴ the creation of all charters, and to unconstitutionally thwart¹¹⁵ employment, land, building, and property ownership, because there is no accountability and no consequences for District and State Boards' criminal and civil statutory non-compliance.

On May 7, 2019, the District and State Boards, got away with murder because they failed to heed the many warnings¹¹⁶ that JBrannberg offered to the DCSD Board before the school shooting, which would have prevented the tragic school shooting, slaughter and murder.

Without U.S. Supreme Court intervention, there is no recourse to stop criminal and civil statutory procedural non-compliance violations by District and State Boards.

¹¹⁴ *Supra p 3, n 1*

¹¹⁵ *Id.*

¹¹⁶ *Supra pp 13-14, n 34*

The victims are the pupils.

Every student in the U.S. is at risk for another school shooting, because the current law C.R.S. § 22-30.5-108(3)(d) has created a public school monopoly, which obstructs justice, impacting the safety of all children and muzzles and suppresses the warnings of charter school founders and parents.

X. Certiorari Should Be Granted because this is the only prescribed avenue of review¹¹⁷ to grant relief of charter approval.

In 2017, DCSD contended in their CCRD Position Statement, that the CCRD case would not yield Mrs. Brannberg's desired relief—charter approval—pursuant to *Clasby v. Klapper*, 636 P.2d 682, 684 (Colo. 1981).

Therefore, Mrs. Brannberg obeyed DCSD orders,¹¹⁸ and did not pursue discrimination or breach of contract litigation, because they would not yield the desired results—charter approval.

This U.S. Supreme Court case is the only prescribed avenue¹¹⁹ which can grant the desired relief—charter approval.

¹¹⁷ *Supra* p 22, n 68-69

¹¹⁸ *Id.*

¹¹⁹ *Id.*

XI. Certiorari Should Be Granted because DCSD et al. thwarted JBrannberg's third-party employment rights to Federal grant § 7221b—Grants to support high-quality charter schools.

Third-party employers DCSD, State Board, Jeffco, thwarted¹²⁰ the terms, conditions, and privileges of employment at charter schools, including the Federal grant § 7221b—Grants to support high-quality charter schools in 2014, 2017, 2018, 2019.

XII. Certiorari Should Be Granted because DCSD and State Board denied students on the Autism Spectrum a Free Appropriate Public Education in violation to the Federal Individuals with Disabilities Education Act (IDEA).¹²¹

The Individuals with Disabilities Education Act (IDEA) offers states federal funds to provide every eligible child a “Free Appropriate Public Education” (FAPE), by means of an “individualized education program” (“IEP”). 20 U.S.C. 1401(9)(D), 1412(a)(1), “reasonably calculated to enable the child to receive educational benefits.” *Endrew F. v. DCSD RE-1*, 580 U.S. ____ (2017)

¹²⁰ *Supra p 3, n 1*

¹²¹ This was argued by JBrannberg before the State Board, District Court, 2019CV550, p 5, 12/16/19.

XIII. Certiorari Should Be Granted because Former Governor Bill Owens, sponsor of the 1993 Charter Schools Act said: “it seemed to me to be a good-faith attempt to fill in a blank space within this statute.”

JBrannberg contacted Former Governor Bill Owens, sponsor of the 1993 Colorado Charter Schools Act, and requested an Amicus Brief. Because he (nor JBrannberg), are attorneys, he declined.

Pursuant to Colorado Politics newspaper, Governor Owens stated:¹²²

“We left an area unstated that the courts have reasonably stepped in to fill,” he said. “As I read the Court of Appeals’ decision, it seemed to me to be a good-faith attempt to fill in a blank space within this statute.”

¹²² https://www.coloradopolitics.com/courts/all-charter-school-decisions-from-state-board-are-final-supreme-court-rules/article_30107234-bc40-11ed-a146-f7d92d4a924a.html

XIV. Certiorari Should Be Granted because on March 14, 2023, JBrannberg filed eight new DCSD charter school applications and four new Jeffco charter applications, which elevates this case to *urgent status* because both DCSD and Jeffco, *again* used discriminatory and unfair employment practices, Title VII of the Civil Rights Act of 1964 and 18 U.S.C. 1503 Obstruction of Justice, witness tampering, retaliation, and intimidation, against JBrannberg to thwart the creation of her new schools, employment, and property, land, and building ownership. (Emphasis added.)

On December 21, 2022, when JBrannberg met with DCSD Board President Mike Peterson to discuss her new applications, he stated publicly:¹²³

“ . . . because Judy has a case in front of the Colorado Supreme Court involving DCSD, some on the DCSD Board would hold that against her application.”

This is witness, victim, or informant tampering and retaliation (§§ 1512, 1513) and a Federal violation of the Title VII of the Civil Rights Act of 1964.¹²⁴

¹²³ The ASI and JDI Charter Applications and all Appendices are transparent to the public at this link: https://drive.google.com/drive/folders/1h1YgbwvZ4RGP61TacBRKe8QRPO-_bKJl?usp=share_link.

Appendix M—12.21.22 DCSD Email, p 1

¹²⁴ *Supra* pp 2-9

On April 19, 2023 Former State Board and current Jeffco Attorney Julie Tolleson demanded¹²⁵ the removal of criminal evidence Appendices Z76-87 from the ASI and JDI Record,¹²⁶ which is a Federal Crime of 18 U.S.C. § 1503 Obstruction of Justice witness tampering, intimidation, and retaliation, because it directly incriminates her, Former DCSD Attorney/Current Jeffco Charter Superintendent/Attorney Tom McMillen, and the aforementioned 25 attorneys with serious Federal crimes.

The DCSD Board is set to vote on May 23, 2023, and the Jeffco Board will vote on June 22, 2023, to approve or disapprove JBrannberg's twelve new charter

¹²⁵ Appendix Z140—Jeffco Witness Intimidation—Julie Tolleson Letter https://drive.google.com/drive/folders/1h1YgbwvZ4RGP61TacBRKe8QRPO-_bKJl?usp=share_link

¹²⁶ Appendix Z81—#124—9.27.21—State Board Attorneys OARC Charges—Julie Tolleson and Jenna Zerynick

Appendix Z82—#47—4.10.21 CART_Pat McGraw_Thomas McMillen_Kristin Schmidt

Appendix Z83—#107—Reduced 9.7.21—Bond Attorneys Hester Parrot_Calvin Hanson_Kent Veio_Barry Arrington_Robert Sherman Ross_Thomas McMillen

Appendix Z84—#116—Reduced 9.20.21—DCSD Attorneys OARC Charges—Montgomery_Trachman_McMillen_Hood Edgar—Klimesh_Colella_Ross

Appendix Z85—#109—9.10.21—Attorney Aubrey L. Elenis, Esq. CCRD Director

Appendix Z86—#120—9.22.21—STEM Attorneys OARC

Appendix Z87—#126—9.29.21—NEW EVIDENCE Nasty Letter https://drive.google.com/drive/folders/1h1YgbwvZ4RGP61TacBRKe8QRPO-_bKJl?usp=share_link

schools. We are asking for charter approval for all schools.

XV. Certiorari Should Be Granted because on March 1, 2023, JBrannberg exercised the Notices of Claim and invoiced DCSD and Jeffco's insurance provider, CSDSIP, to build her twelve charter schools for \$1.6 billion dollars because of breach of contract, joint conspiracy and collusion by DCSD and Jeffco to thwart¹²⁷ creation of JBrannberg's schools, employment, property, land, building ownership in 2014 (DCSD, Jeffco), 2017, 2018, 2019 and now once again in 2023.

Please see the invoice¹²⁸ and Notices of Claim which are part of JBrannberg's 2023, twelve new charter applications:

Appendix Z80—Invoice to CSDSIP

Appendix R—10.25.19 DCSD_State Board NOC

Appendix S—10.25.19 STEM NOC

Appendix T—10.25.19 JEFFCO NOC

¹²⁷ *Supra p 3, n 1*

¹²⁸ The 2023 ASI and JDI Charter Applications and their appendices are transparent to the public at this link: https://drive.google.com/drive/folders/1h1YgbwvZ4RGP61TacBRKe8QRPO-bKJl?usp=share_link

Appendix U—11.12.19—CCRD CCRC NOC

Appendix V—November 15, 2016 NOC

XVI. Certiorari Should Be Granted because the STEM School Highlands Ranch should be returned to JBrannberg's governance and leadership because DCSD, et al. breach of contract.

Because of DCSD, et al. breach of contract we are asking that STEM School be returned to JBrannberg's governance and for approval of twelve charter applications pending before DCSD and Jeffco Boards, together with execution of the Notices of Claim to build twelve schools.

CONCLUSION

Without Petition for Certiorari to the U.S. Supreme Court, parent and charter school founders' voices are threatened to extinction by recalcitrant State and District School Boards, and their attorneys, who currently have the final word and a public school monopoly on all state board decisions, which has jeopardized the safety and well-being of all U.S. school students. Without U.S. Supreme Court intervention, there is no recourse to stop the Federal due process of law criminal and civil statutory procedural non-compliance violations by District and State Boards who got away with murder, Federal Crimes 18 U.S.C. § 1503

Obstruction of Justice, and Federal violations of Title VII of the Civil Rights Act of 1964.

C.R.S. § 22-30.5-108(3)(d), does not apply to all state board decisions under section 108(3).

Respectfully submitted,

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