

No. 23- 1292

Supreme Court, U.S.

FILED

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IN THE  
**Supreme Court of the United States**

JUDY A. BRANNBERG, MSC

*Petitioner,*

*v.*

COLORADO CIVIL RIGHTS DIVISION AND  
DOUGLAS COUNTY SCHOOL DISTRICT RE-1

*Respondents.*

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**ON PETITION FOR A WRIT OF CERTIORARI  
TO THE COLORADO SUPREME COURT**

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**PETITION FOR A WRIT OF CERTIORARI**

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## **QUESTIONS PRESENTED**

The questions presented are:

**Question One:** Whether pursuant to the Federal Rules of Civil Procedure 65; Rules 22 and 23 of this Court; the All Writs Act, 28 U.S.C. § 1651; and the Administrative Procedure Act, 5 U.S.C. § 705; Douglas County School District, hereinafter (“DCSD”); Jefferson County Public Schools, hereinafter (“Jeffco”); Colorado State Board of Education, hereinafter (“State Board”); Colorado Department of Education, hereinafter (“CDE”); CDE Commissioner Susana Cordova; and Sterling Ranch Development Corp., hereinafter (“Sterling Ranch”) are enjoined and prohibited through preliminary injunction filed on 4/18/2024, in Colorado Supreme Court Case Number 24SC181 and Denver District Court Case Number 2023CV610, from consummating and/or approving any and all new Colorado charter schools, pending final judgment by jury trial for Denver District Court Case 2023CV610, Colorado Court of Appeals 2024CA133, Colorado Supreme Court 2024SC181, and U.S. Supreme Court Emergency Writ of Injunction 23A1007 denied by Justice Neil M. Gorsuch on 5/21/2024, submitted to Justice Clarence Thomas, on 5/22/2024, and DISTRIBUTED for Conference of 6/13/2024, and filed for review in this Supreme Court Petition for Writ of Certiorari, because of (1) irreparable injury in the absence of such an order; (2) that the threatened injury to the moving party outweighs the harm to the opposing party resulting from the order; (3) that the injunction is not adverse to public interest; and (4) that the moving party has a substantial likelihood of success on the merits.

**Question Two:** Whether the Colorado Revised Statutes C.R.S. § 22-30.5-108(3)(d) — “The decision of the State Board of Education shall be final” and not subject to Judicial Review.

**Question Three:** Whether Emergency Writ of Injunction Respondents DCSD, Jeffco, State Board, CDE, and Sterling Ranch, et al. have created an Unconstitutional lawless Monopoly and are illegally allowed to deny and thwart the creation of Petitioners’ 17 charter schools in 2014, 2017, 2018, 2019, and 2023; her third-party employment; and building and land ownership, which caused an unsafe learning environment and severe safety breach that resulted in the May 7, 2019, STEM School Highlands Ranch, hereinafter (“STEM School”) shooting and tragic murder, an event of Mass Destruction and Domestic Terrorism as defined by F.B.I., (<https://www.fbi.gov/file-repository/fbi-dhs-domestic-terrorism-definitions-terminology-methodology.pdf/view>), because they secretly and non-transparently executed, covered up, and **failed to investigate** the following Unconstitutional Federal crimes, antitrust violations, and employment discrimination:

1. Federal Antitrust Enforcement Enacted in 1890, the Sherman Act
2. 18 U.S. Code § 2331(5) Domestic Terrorism
3. Federal Whistle Blower Protection Act
4. 18 U.S.C. § 873 Blackmail and extortion laws
5. 42 U.S.C. §§ 2000e et seq. Title VII of the Civil Rights Act 2022
6. 18 U.S. Code § 201 – Bribery of Public Officials and Witnesses 2022
7. 18 U.S.C. § 1349 – Attempt and Conspiracy

8. Harassment – Title VII of Civil Rights Act of 1964
9. Third-party Contractual/Tortious Interference
10. 18 U.S.C. § 471 Forgery
11. 18 U.S.C. §§§ 1503, 1512, 1513 Obstruction Of Justice
12. Libel Per Se/Libel Per Quod
13. 10 U.S. Code § 919b – Art. 119b. Child Endangerment
14. 18 U.S.C. § 371 – Conspiracy to Commit Offense or to Defraud the United States

**Question Four:** Whether pursuant to the U.S. EEOC Policy Statement on Control by Third Parties over the Employment Relationship Between an Individual and His/Her Direct Employer, EEOC Dec. 87-2, ¶ 6869 (CCH) (1987), the Colorado Civil Rights Division, hereinafter (“CCRD”) has jurisdiction over this charter school third-party employment discrimination appeal. <https://www.eeoc.gov/laws/guidance/policy-statement-control-third-parties-over-employment-relationship-between>

**Question Five:** Whether the STEM School shall be returned to Petitioner's leadership because DCSD, STEM, CCRD, et al. breached/forged their contract.

In 2014, 2017, 2018 and 2019, and 2023, third-party employers DCSD, and in 2014 and 2023 Jeffco, in conspiracy with the State Board, CDE, and Sterling Ranch, et al. secretly and non-transparently executed Unconstitutional Federal crimes, antitrust violations, and employment discrimination, to thwart creation of Petitioner's 17 charter schools; her employment; land, building, and 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, petitioners complained and warned governmental regulatory agencies DCSD, Jeffco, State Board, CDE, Colorado Supreme Court Office of Attorney Regulation Counsel, hereinafter ("OARC"), CCRD, and the Douglas County Sheriff, who failed to investigate Federal crimes, Unconstitutional third-party employment discrimination, and anti-trust violations which created an unsafe learning environment for all DCSD, Colorado, and U.S. students. Respondents muzzled petitioner's warnings, threatened her, and then in unlawful and Unconstitutional retaliation, voted to deny her 17 charters in 2014, 2017, 2018, 2019, and 2023, to illegally protect their Unconstitutional monopoly and coverup the largest and most corrupt public education scandal in U.S. History, which denied the petitioners Federal due process of law and equal protection of the laws, resulting in the tragic school shooting at the STEM School on May 7, 2019, the school she co-founded in 2009. Because the State Board decision was final and not subject to Judicial Review, an Unconstitutional Monopoly was created.

## **PARTIES TO THE PROCEEDING**

The Petitioner is Charter School Entrepreneur Judy A. Brannberg, hereinafter (“JBrannberg”).

The Respondents are DCSD and CCRD.

In the lower court, Denver District Court Case Number 2023CV610, which is currently on pause pending this appeal to the Supreme Court of the United States, there are 14 Defendants, including board directors, plus their 25+ attorneys, who secretly and non-transparently conspired to execute Unconstitutional antitrust violations, Federal crimes, employment discrimination, and statutory non-compliance to deny and thwart the creation of Petitioner’s 17 charter schools in 2014, 2017, 2018, 2019, and 2023 including:

1. Jefferson County Public Schools (“Jeffco”), boards and attorneys, et al.
2. State Board of Education, (“State Board”), boards and attorneys, et al.
3. Colorado Department of Education (“CDE”), Commissioner Susana Cordova et al.
4. Douglas County School District (“DCSD”), boards and attorneys, et al.
5. STEM School Highlands Ranch, (“STEM”), boards and attorneys, et al.
6. CCRD, CCRC and attorneys, et al.
7. Colorado Educational and Cultural Facility Authority (“CECFA”), boards and attorneys, et al.
8. Sterling Ranch Development Corp., owners/developers, and attorneys, et al.
9. UMB Financial Corporation – UMB Bank, et al.

10. Colorado Supreme Court Office of Attorney Regulation Counsel (“OARC”), Colorado Supreme Court and attorneys, et al.
11. Douglas County Sheriff’s Office, Douglas County Sheriff Darren Weekly, et al.
12. Attorney John A. Cimino
13. Colorado Supreme Court Justices, who oversee/have jurisdiction over the OARC
14. Colorado Attorney General’s Office, who represent the State Board, CCRD, CDE

**25+ Attorneys**

Robert P. Montgomery (STEM)  
William E. Trachman (DCSD/Jeffco)  
Thomas H. McMillen (DCSD/Jeffco)  
Elliott V. Hood (DCSD/Jeffco)  
Kristin C. Edgar (DCSD/Jeffco)  
Mary K. Klimesh (DCSD)  
Steve J. Colella (DCSD)  
Julie C. Tolleson (State Board/Jeffco)  
Jenna M. Zerylnick (State Board)  
William P. Bethke (STEM)  
Aubrey L. Elenis (CCRD)  
Bruce A. James (Sterling Ranch)  
Barry K. Arrington (STEM)  
R. Craig Hess (Jeffco)  
Calvin T. Hanson (CECFA)  
Kent C. Veio (CECFA)  
Hester M. Parrot (CECFA)  
John A. Cimino (Brannberg)  
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Clifford G. Cozier (Brannberg)  
Robert S. Ross (DCSD)  
Michael A. Zywicki (STEM)

Jake E. Spratt (Sterling Ranch)  
Steven A. Klenda (Brannberg)  
Jessica E. Yates (OARC)  
Molly H. Ferrer (Jeffco)  
Justin P. Moore (OARC)  
April M. McMurrey (OARC)

## **CORPORATE DISCLOSURE STATEMENT**

Pursuant to Supreme Court Rule 29.6, Applicants/  
Petitioners each represent that they do not have any  
parent entities and do not issue stock.

## **STATEMENT OF RELATED PROCEEDINGS**

The following proceedings are related:

**Colorado Supreme Court ORDER may be found at 1a.** CCRD and DCSD v. JBrannberg, Case Number 2024SC181, Petition for Certiorari, DENIED. EN BANC, 4/29/2024. (Appendix A.)

**Colorado Supreme Court ORDER may be found at 2a.** CCRD, DCSD, CDE, CDE Commissioner Susana Cordova, State Board, Jeffco, and Sterling Ranch v. JBrannberg, Case Number 2024SC181, Petitioners' Motion and Memorandum for Preliminary Injunction. DENIED. 4/29/2024. (Appendix B.)

**Colorado Court of Appeals ORDER may be found at 3a.** CCRD and DCSD v. JBrannberg, Case Number 2024CA133, DENIED on 3/7/2024. (Appendix C.)

**Colorado Court of Appeals ORDER may be found at App. 4a.** CCRD and DCSD v. JBrannberg, Case Number 2024CA133, DENIED on 3/1/2024. (Appendix D.)

**Colorado Civil Rights Division – Letter Denying Jurisdiction may be found at 6a.** The letter is dated 7/14/23, but Petitioner JBrannberg did not receive it until 12/22/23, because it was sent to the wrong address. (Appendix E.)

**Colorado Supreme Court 2022.10.11. ORDER, 21SC885, may be found at 8a.** (Appendix F.)

*x*

**Colorado Supreme Court 2022.10.13 ORDER,  
21SC885, may be found at 10a. (Appendix G.)**

**Colorado Supreme Court 2022.10.25. ORDER,  
21SC885, may be found at 12a. (Appendix H.)**

**Colorado Supreme Court 2022.10.28. ORDER,  
21SC885, may be found at 15a. (Appendix I.)**

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## **PETITION FOR WRIT OF CERTIORARI**

Petitioner Judy A. Brannberg, MSc respectfully petitions for a writ of certiorari to review the judgment of the Colorado Supreme Court.

### **ORDERS BELOW**

**Colorado Supreme Court ORDER may be found at**  
**1a. CCRD, DCSD v. Brannberg, Case Number 2024SC181, Petition for Certiorari, DENIED. EN BANC, 4/29/2024. (Appendix A.)**

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21SC885, may be found at 15a. (Appendix I.)**

## **JURISDICTION**

This Court has jurisdiction under 28 U.S.C. § 1257(a). Pursuant to Federal Rules of Civil Procedure 65 and Rules 22, 23, this Court has jurisdiction to grant injunctive relief.

Pursuant to All Writs Act, 28 U.S.C. § 1651 and Administrative Procedure Act, 5 U.S.C. § 705, this Court has original jurisdiction.

## **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..."

Colorado third party employers DCSD in 2014, 2017, 2018, 2019 and 2023; Jeffco in 2014 and 2023; and State Board in 2018, 2019, 2023; thwarted<sup>1</sup> creation of Petitioner'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."

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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 (5/5/1987), [https://www.eeoc.gov/laws/guidance/policy-statement-control-third-parties-over-employment-relationship-between-employment-property/land/building-ownership](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 DCSD, Jeffco, State Board, and CCRD/CCRC deprived charter school entrepreneur Federal due process of law, when they failed to investigate.<sup>2</sup>

In 2023, Jeffco was in non-compliance, with procedural requirements of the Charter Schools Act.<sup>3</sup> Jeffco did not hold a community meeting, to coverup and hide their Unconstitutional habitual pattern of employment discrimination, Federal crimes, and dangerous, unsafe, and lawless public education monopoly from parents, community, and District. *See C.R.S. § 22-30.5-107(2)* – Failure to hold a Community Meeting. Petitioner was gagged and not allowed to show the PowerPoint presentation, which provided a detailed explanation of Districts' crimes, employment discrimination and illegal monopoly.

**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.

The DCSD Board retaliated against Petitioner and voted to deny her charters in 2014, 2017, 2018, 2019, and

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2. *Ridley v. Costco Wholesale Corp.*, 217 F. App'x 130, 135 (3d Cir. 2007) fn. 111: “failure to investigate complaints about these actions is unlawful retaliation.”

3. C.R.S. § 22-30.5-101 – C.R.S. § 22-30.5-704

2023, and Jeffco in 2014 and 2023, because she enrolled in CCRD protected activity<sup>4</sup> on 2/15/2007, complained about employment discrimination<sup>5</sup>, and participated in multiple “non-investigations” for religious discrimination for practicing her evangelical Christian beliefs.

Since 2017, CCRD refused/failed to investigate<sup>6</sup> third party employment discrimination, because they falsely claimed that they lacked jurisdiction.

DCSD, Jeffco, State Board, CCRD, et al. used Federal discriminatory or unfair third party employment violations to thwart<sup>7</sup> creation of Petitioner’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:  
U.S. Constitution, Amendment 14 - Citizenship Rights.  
Equal Protection of the Laws. Ratified, 7/9/1868**

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4. Pursuant to C.R.S. § 24-72-204 3.a.II.A , on 1/22/20, after exhausting all administrative and judicial remedies, as part of District Court Case *Number 2019CV550*, DCSD finally released a CORA of Petitioner’s employment/personnel file, ASIJDIADD ROA9212-11829, which DCSD withheld for nearly 2 years, which included her 2007 CCRD Employment Discrimination Complaint ASIJDIADDROA11084-11101.

5. The 1/22/20 CORA contained AMENDED 11/15/2016 NOTICE OF CLAIM, ASIJDIADDROA9122-9136 which describes with particularity, DCSD et al. 2014 religious discrimination and retaliation.

6. *Supra p4, n2*

7. *Supra p3, n1*

Respondents/Defendants DCSD, Jeffco, State Board, CDE, and Sterling Ranch, et al. have created an Unconstitutional, dangerous, unsafe, and lawless public education monopoly, which illegally allowed them to secretly and non-transparently execute, coverup, and fail to investigate<sup>8</sup> the following Federal crimes, antitrust violations, and employment discrimination to deny and thwart<sup>9</sup> creation of Applicants' 17 charter schools in 2014, 2017, 2018, 2019, and 2023; her third party employment; property, building, and land ownership, which caused an unsafe learning environment and severe safety breach that resulted in the 5/7/2019, STEM School shooting and tragic murder, an event of Mass Destruction and Domestic Terrorism as defined by F.B.I.:<sup>10</sup>

1. Federal Antitrust Enforcement Enacted in 1890, the Sherman Act
2. 18 U.S. Code § 2331(5) Domestic Terrorism
3. Federal Whistle Blower Protection Act
4. 18 U.S.C. § 873 Blackmail and extortion laws
5. 42 U.S.C. §§ 2000e et seq. Title VII of the Civil Rights Act 2022
6. 18 U.S. Code § 201 – Bribery of Public Officials and Witnesses 2022
7. 18 U.S.C. § 1349 – Attempt and Conspiracy
8. Harassment – Title VII of Civil Rights Act of 1964
9. Third party Contractual/Tortious Interference
10. 18 U.S.C. § 471 Forgery

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8. *Id.*

9. *Supra p3, n1*

10. <https://www.fbi.gov/file-repository/fbi-dhs-domestic-terrorist-definitions-terminology-methodology.pdf/view>

11. 18 U.S.C. §§§ 1503, 1512, 1513 Obstruction Of Justice
12. Libel Per Se/Libel Per Quod
13. 10 U.S. Code § 919b – Art. 119b. Child Endangerment
14. 18 U.S.C. § 371 – Conspiracy to Commit Offense or to Defraud the United States

**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 U.S., 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, when Petitioner Brannberg enrolled in CCRD Protected Activity,<sup>11</sup> DCSD, et al. used Federal discriminatory or unfair third party employment violations to thwart<sup>12</sup> creation of Petitioner's schools, employment, and property, land, building ownership; retaliated against Petitioner; and voted to deny 17 of her charters in 2014, 2017, 2018, 2019, 2023, because she enrolled in protected activity,<sup>13</sup> complained about DCSD employment discrimination, which CCRD failed to investigate,<sup>14</sup> because they incorrectly denied that they had jurisdiction over third party employee Brannberg and third party employers DCSD, Jeffco, and State Board.

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11. "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>

12. *Supra p3, n1*

13. *Supra p7, n11*

14. *Supra p4, n2*

**Statutory Provision Number Six:  
U.S.C. § 7221b. Grants to support high-quality charter  
schools**

In 2014, 2017, 2018, 2019, 2023, DCSD, et al. thwarted<sup>15</sup> creation of petitioner's charter schools and denied terms, conditions, and privileges of third party employment, including Federal U.S.C. § 7221b Grants to Support High-Quality Charter Schools.

## **INTRODUCTION**

On 3/15/2023, Petitioner filed eight new charter applications to DCSD and four to Jeffco. In summer 2023, DCSD and Jeffco Boards of Education denied all twelve proposed schools. In fall 2023, State Board of Education denied all twelve charter appeals for DCSD and Jeffco Alexandria School of Innovation ("ASI") and John Dewey Institute ("JDI") schools.

On 10/27/2023, Petitioner filed a Complaint of Judicial Review 2023CV610 in Denver District Court exposing Respondents' Unconstitutional habitual pattern of employment discrimination and Federal crimes which created a dangerous, unsafe, and lawless<sup>16</sup> public education monopoly executed by a sophisticated crime ring consisting of fourteen Defendants, plus their 25+ attorneys who

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15. *Supra p3, n1*

16. Black's Law Dictionary 4<sup>th</sup> Edition: "LAWLESS. Not subject to law; not controlled by law; not authorized by law; not observing the rules and forms of law. *See* Arkansas v. Kansas & T. Coal Co., C.C.Ark., 96 F. 362.

thwarted<sup>17</sup> creation of Petitioner's 17 charter schools in 2014, 2017, 2018, 2019, and 2023.

On 11/28/2023, Petitioner filed a Response in Opposition to Douglas County Sheriff's Office MTD, which clarifies that Res Judicata is not at issue here, because of new claims and new parties. (See Emergency Writ of Injunction DISTRIBUTED for Conference of 6/13/2024, Appendix D.)

On 12/22/2023, the Colorado Civil Rights Division filed their MTD and included Exhibit 4, a Letter Denying Jurisdiction of the Colorado Civil Rights Division, (Appendix E), which the CCRD wrote on 7/15/2023, but Petitioner did not receive until 12/22/2023, which stated that "the Division is unable to investigate this matter".<sup>18</sup>

"...It appears that the Division lacks jurisdiction over your allegations pursuant to the Colorado Anti-Discrimination Act (CADA), and therefore, the Division is unable to investigate this matter. Specifically, the allegations of discrimination at issue are outside of the required employer-employee relationship which must exist according to the provisions of CADA." (Appendix E.)

CCRD/CCRC DOES HAVE jurisdiction pursuant to U.S. EEOC Policy Statement on control by third parties over the employment relationship between an individual and his/her direct employer, EEOC Dec. 87-2, ¶6869 (CCH) (1987) fn. 33:

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17. *Supra p3, n1*

18. *Supra p4, n2*

“It is Commission’s (“EEOC”) view that a sufficient nexus will exist where the third party, (DCSD, Jeffco), have the ability to thwart the creation or continuance of a direct employment relationship or where it has the ability to affect terms, conditions, or privileges of employment.”<sup>19</sup>

On 1/11/2024, Petitioner amended her complaint of Judicial Review to include new evidence. (See Emergency Writ of Injunction DISTRIBUTED for Conference of 6/13/2024, Appendix C.)

On 1/16/2024, when CCRD filed its REPLY IN SUPPORT OF ITS MTD, pursuant to C.R.S. § 24-4-106(11) they insisted Plaintiff file a Notice of Appeal to the Colorado Court of Appeals, to meet the C.R.S. § 24-34-307 deadline of 49 days, after the date of service of the final order, which was the date of discovery of the final order issued on 12/22/2023, when CCRD/CCRC filed their MTD for 2023CV610.

On 1/25/2024, Plaintiffs filed a Notice of Appeal with the Court of Appeals, in compliance with C.R.S. § 24-4-106(11).

On 3/1/2024, the Court issued orders: “that the appeal is DISMISSED without prejudice, for lack of a final, appealable judgment.” (Appendix C).

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19. <https://www.eeoc.gov/laws/guidance/policy-statement-control-third-parties-over-employment-relationship-between>; ASIJDI ADDROA51201-51216

It is moot that no final appealable judgment exists from the Commission, because the CCRD stated on 7/15/2023, (which Petitioner did not receive until 12/22/2023), "that they were unable to investigate this matter".<sup>20</sup> (Appendix E.)

CCRD DOES HAVE jurisdiction pursuant to U.S. EEOC Policy Statement on control by third parties over the employment relationship between an individual and his/her direct employer, EEOC Dec. 87-2, ¶6869 (CCH)(1987) fn. 33.<sup>21</sup>

Petitioner Brannberg is a third party DCSD/Jeffco employee, therefore, CCRD has jurisdiction with her CCRD Case Number E-20237, for C.R.S.¶24-34-402 Discriminatory or Unfair Employment Practices and Federal violations of 42 U.S.C. §§ 2000e et seq. Title VII of the Civil Rights Act 2022. Employment, property, land, building ownership are U.S. 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. *See Sibley Memorial Hospital*, 488 F.2d 1341-1342.

#### **STATEMENT OF THE CASE**

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

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20. *Supra p4, n2*

21. <https://www.eeoc.gov/laws/guidance/policy-statement-control-third-parties-over-employment-relationship-between; ASIJDIADDROA51201-51216>

The last sentence of section 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 state board decisions under section 108(3).

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 Respondents' Unconstitutional habitual pattern of employment discrimination, and Federal crimes which created a lawless, unsafe and dangerous public education monopoly, all which Respondents illegally and unlawfully failed to investigate.<sup>22</sup>

This case closes the door to recalcitrant State and District Boards, who obstructed justice, silenced, muzzled, and suppressed Petitioner's civil liberties and Federal Constitutional rights.<sup>23</sup>

**A. UNCONSTITUTIONAL HABITUAL PATTERN  
OF THIRD PARTY EMPLOYMENT  
DISCRIMINATION, AND FEDERAL CRIMES  
CREATED A LAWLESS, UNSAFE, AND  
DANGEROUS PUBLIC EDUCATION MONOPOLY**

DCSD et al.'s Unconstitutional habitual pattern of third party employment discrimination, Federal crimes,

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22. *Supra* p4, n2

23. *Supra*, pp 2-8

and dangerous public education monopoly, are reviewable under APA, and deprived Petitioner of Federal due process of law and denied her equal protection of laws 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 State Board, to thwart<sup>24</sup> creation of Petitioner's schools, employment, and property, land, and building ownership in 2014, 2017, 2018, 2019 and 2023.

Third party employers DCSD, Jeffco, State Board used the Unconstitutional publicly-funded school monopoly, crimes, and employment discrimination, to thwart,<sup>25</sup> and deny Petitioner's 17 charters from 2014 to present.

Starting in 2014, Petitioner repeatedly warned<sup>26</sup> and complained to DCSD et al. about the unsafe STEM and DCSD learning environment, caused by the 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

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24. *Supra p3, n1*

25. *Id.*

26. The warnings were included in Petitioner's 2023 ASI/JDI Charter Applications and are part of the ROA for 2023CV610, 2024CA133, 2024SC181: ASIJDIADDROA11848-11989, 12099-12196, 12197-12301, 12312-12418, 12419-12487, 12488-12539, 12540-12577. DCSD, Jeffco, State Board, CDE Commissioner removed these warnings from the 2023 ROA to coverup crimes. Petitioner's 2023CV610 ROA is 50,000+ pages.

muzzled parent complaints, which caused the unsafe learning environment which resulted in the tragic school shooting on 5/7/2019. Because of STEM's \$2 million dollar deficit, they could not qualify for a low-interest CECFA Bond. The illegal and unlawful Parent Complaint and Communication Policy which STEM had at the time of the tragic shooting on 5/7/2019, stated that students would be expelled from the publicly-funded school if their parents complained<sup>27</sup> and warned the school of danger.

When the State BOE had the "final word," in 2018, 2019, and 2023 during Petitioner's State Board Appeals, the safety of all U.S. school pupils was endangered, because DCSD, CCRD, State Board, et al. and their attorneys<sup>28</sup> obstructed justice, failed to investigate,<sup>29</sup> and covered up School District's Unconstitutional third party employment discrimination, Federal crimes, and dangerous public school monopoly – the largest scandal in U.S. Public Education History, which was contrary to the best interests and safety of pupils, district, and community.<sup>30</sup>

The result was the unsafe learning environment which caused the tragic school shooting, murder, and slaughter on 5/7/2019, at STEM School Highlands Ranch, which Petitioner Co-Founded in November 2009, together with her husband Barry Brannberg.

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27. ASIJDIADDROA12579-12817,

28. OARC Investigation – pp 35-38

29. *Supra p4, n2*

30. C.R.S. § 22-30.5-108(3)(a) – Standard of Review for Charter Appeals

Starting in 2014 to the present, the Petitioner repeatedly warned<sup>31</sup> District and State Boards, and governmental regulatory agency CCRD, about the Unconstitutional habitual pattern of employment discrimination, and Federal crimes which created a lawless, unsafe and dangerous public education monopoly, who failed to investigate,<sup>32</sup> muzzled and suppressed Petitioner's complaints and warnings, threatened her, retaliated against her, and then voted to deny her charters in 2014, 2017, 2018, 2019, and 2023, to keep under wraps their secretly executed crimes.

#### **B. LARGEST PUBLIC SCHOOL SCANDAL IN U.S. HISTORY**

This case exposes the largest public school scandal in U.S. history, with an Unconstitutional habitual pattern of employment discrimination, and Federal crimes which created a lawless, unsafe and dangerous public education monopoly.

#### **C. FACTUAL BACKGROUND**

On 2/15/2007, Petitioner filed a complaint of discrimination against DCSD and enrolled in CCRD Protected Activity,<sup>33</sup> after her former employer, TRHS at DCSD, refused to rehire her because she practiced her evangelical Christian beliefs, despite stellar, outstanding,

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31. *Supra p13, n26*

32. *Supra p4, n2*

33. *Supra p7, n11*

excellent job evaluations and recommendations<sup>34</sup> from her 2000-2005 employment at TRHS DCSD.

In November 2009, Petitioner together with her husband Barry Brannberg, co-founded STEM School 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 worked as President/Business Manager of the School. Petitioner worked as Executive Director/ Program Manager/Grant Writer for the after-school, separate non-profit STEM Academy, which provided STEM programming for all community students. During the first year, Petitioner fund-raised more than \$468,000.00.<sup>35</sup>

In March 2013, in order to protect their excellent charter management history, stellar reputations, and ability to start future schools, Barry and Judy Brannberg left STEM School and signed the original mutual, two-way, CONFIDENTIAL SEPARATION AGREEMENT,<sup>36</sup> which had no non-compete clause. The two-way mutual, original Agreement stated: “any dissemination<sup>37</sup> of any draft would be a violation of this agreement.”

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34. ASIJDIADDROA9807, 9838.

35. ASIJDIADDROA13563-13585

36. ASIJDIADDROA16684-16718

37. *Id.*, ¶11

In January 2014, DCSD/Jeffco Charter Director, Attorney, Domestic Terrorist Tom McMillen solicited from STEM School Director Penny Eucker, and disseminated to DCSD and CCRD a one-way, forgery,<sup>38</sup> fraudulent misrepresentation, an altered contract of the original, two-way, mutual Confidential Separation Agreement from STEM, purported as the original, to bribe and thwart<sup>39</sup> creation of Petitioner's 17 future schools, employment, and property, land, building ownership in 2014, 2017, 2018, 2019 and 2023.

The one-way forgery illegally allowed STEM and DCSD to lie, slander, and disparage Barry and Judy Brannberg's excellent charter management history<sup>40</sup> and reputation because the forged document was not the original, mutual, two-way Agreement and had no clause prohibiting dissemination nor disparagement.

In March 2014, Petitioner submitted a charter application to DCSD, for Alexandria School of Innovation ("ASI"), a STEM-based school, which was denied because of discriminatory, 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, statutory non-compliance, and obstruction of justice, forgery, bribery, witness/victim tampering, intimidation and retaliation, to thwart<sup>41</sup> creation of Petitioner's schools, employment, and property, land, building ownership.

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38. ASIJDIADDROA9214-9239

39. *Supra p3, n1*

40. ASIJDIADDROA13563-13585

41. *Supra p3, n1*

The Petitioner did not discover the illegal dissemination, nor non-transparent third party employment discrimination and criminal collusion by STEM, DCSD, and Jeffco until May/June 2016, during a DCSD/Jeffco CORA pursuant to C.R.S. § 24-72-201-206.

The Petitioner did not discover the forgery until DCSD disseminated the forged and altered document to the CCRD on 11/8/2017, which was a violation of Federal Title 18 of U.S. Code altering, destroying, or falsifying records, (§ 1519)."

In August 2014, Petitioner submitted the ASI charter application to Jeffco.

On 11/8/2014, the night that Petitioner's charter should have been approved easily by a pro-charter Jeffco Board, a STEM employee, Doug Zimmerman, illegally breached the contract and testified at Jeffco Public Comment and used discriminatory unfair employment lies to slander, smear, and disparage Petitioner's excellent STEM School financial and educational charter school history,<sup>42</sup> which resulted in a 5-0 charter denial by the Jeffco Board of Directors.

STEM's false testimony breached the Federal 42 U.S.C. §§ 2000e et seq. Title VII of the Civil Rights Act 2022 and was in violation of the original, two-way, mutual, Confidential Separation Agreement, signed by Barry and Judy Brannberg<sup>43</sup> on 3/31/2013, and by STEM School Board Chair Matthew Smith and STEM Academy Board Chair Darrell Phippen on 3/29/2013.

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42. ASIJDIADDROA13563-13585

43. *Id.*

In June 2015, Petitioner filed a breach of contract lawsuit 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 discover the evidence of Federal crimes and third party employment discrimination, to defend the MTD, until May/June 2016. Petitioner had no idea in 2014, of the vast non-transparent, undercover conspiracy web used by the sophisticated crime ring of DCSD, Jeffco, State Board, CCRD et al., including the 14 2023CV610 Defendants and their attorneys, to stop, thwart<sup>44</sup> and deny charter approval for 17 schools.

After 15CV30586 was dismissed, Petitioner discovered by herself, that the attorney who represented her was a disbarred attorney, Unauthorized Practicing Law. Attorney David Williams allowed disbarred attorney Clifford Cozier<sup>45</sup> 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).<sup>46</sup> She also discovered that DCSD Employee and Sterling Ranch Consultant Pat McGraw bought out her former Attorney D.K. Williams.

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44. *Supra p8, n1*

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

46. 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... may not practice law.

On 10/23/2021,<sup>47</sup> during the Colorado Supreme Court OARC non-investigation,<sup>48</sup> Attorney D.K. Williams committed suicide. The OARC failed to investigate and covered up attorney crimes, even though Petitioner provided substantial evidence<sup>49, 50</sup> to Governmental Regulatory Agencies, 1.) Colorado Supreme Court OARC, 2.) CCRD, and 3.) DC Sheriff's Office, 4.) State Board, proving her former Attorneys D.K. Williams and John A. Cimino were bought out by DCSD Development and Innovation Officer/Sterling Ranch Consultant Pat McGraw, and former Attorney Steven A. Klenda was bought out by DCSD Attorney Will Trachman, to thwart<sup>51</sup> creation of her 17 schools in 2014, 2017, 2018, 2019, 2023, and sabotage her legal cases, all who failed to investigate,<sup>52</sup> which is retaliation.<sup>53</sup>

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

48. Colorado Supreme Court Colorado Attorneys' Fund for Client Protection Claim Application, which the Colorado Supreme Court refused to allow Petitioner to file as evidence in her 2021SC885 Colorado Supreme Court case, because OARC obstructed justice and covered up attorney crimes, because Colorado Supreme Court Justices are Defendants in 2023CV610.

49. Explained with particularity, Colorado Supreme Court Attorneys' FUND FOR CLIENT PROTECTION ASIJDIAADDROA20261-20433

50. ASIJDIAADDROA37100-43991

51. *Supra p3, n1*

52. *Supra p4, n2*

53. *Id.*

In May/June 2016, Petitioner through CORA, discovered Federal DCSD and Jeffco third party 42 U.S.C. §§ 2000e et seq. Title VII of the Civil Rights Act 2022 and § 24-34-402. C.R.S. - Discriminatory or unfair employment practices, and breach of contract by STEM, DCSD, and Jeffco.

On 11/15/2016, Petitioner and her new attorney, John Cimino, wrote and timely filed a Notice of Claim<sup>54</sup> 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, Petitioner submitted a new ASI charter application to DCSD.

On 5/27/2017,<sup>55</sup> in an email to the DCSD Board, Petitioner shared facts that she discovered in the May 2016 DCSD CORA, and warned<sup>56</sup> the Board about the secret STEMgate scandal, \$2 million dollar catastrophic financial failure, the illegal, non-transparent, secret Board bail-out with a fraudulent \$14.6 million low-interest CECFA bond, (which they could not qualify for), the criminal cover-up, and employment discrimination.

If DCSD, State Board, and CCRD had heeded Plaintiff's warnings,<sup>57</sup> the 5/7/2019, STEM School shooting and murder would have been prevented, because current

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54. ASIJDIADDROA9122-9136

55. ASIJDIADD ROA9736-9739

56. *Supra* p13, n26

57. *Id.*

STEM Board and administration should have been immediately removed because of failed leadership, fiscal mismanagement, and secret \$2 million dollar bail-out, which resulted in the unsafe learning environment.

They got away with murder.

After she shared the 5/27/2017, email warnings<sup>58</sup> with the Board, Petitioner endured fierce harassment and threats<sup>59</sup> from DCSD Board President Silverthorn. In retaliation to Petitioner's warnings and discrimination complaints, the Board voted to deny her charter on June 20, 2017.

In June 2017, Petitioner filed a retaliation claim with the CCRD, because the Board retaliated against her and voted to deny her charter because she complained of employment discrimination, the STEM fraudulent bond, and illegal \$2 million dollar bail-out.

The CCRD was made fully aware of the crimes,<sup>60</sup> employment discrimination, Board harassment and failed to investigate,<sup>61</sup> which was discrimination.

DCSD Board President Meghann Silverthorn, who engineered the illegal \$2 million dollar STEM fraudulent CECFA bond bailout, called Mrs. Brannberg

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58. *Id.*

59. 2021SC885 11/21/2022 Answer Brief, pages 24-26

60. ASIJDIADDROA9157-9211 - DCSD CCRD COD 8.24.17

61. *Supra p4, n2*

a discriminatory<sup>62</sup> slur/epithet,<sup>63</sup> 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 11/8/2017 CCRD Position Statement,<sup>64</sup> which contained the forgery,<sup>65</sup> which DCSD illegally disseminated to the CCRD to bribe the CCRD investigation.

DCSD contended in their CCRD Position Statement<sup>66</sup> 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). In 2017, DCSD said the only prescribed avenue of review<sup>67</sup> 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 U.S. Supreme Court, which is where Petitioner is today.

On 11/8/2017, DCSD, in their CCRD Position Statement, disseminated the one-way forgery<sup>68</sup>, purported as the original, from one governmental agency (DCSD), to another governmental agency (CCRD), to bribe the CCRD investigation, so that DCSD could illegally discriminate,

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62. As Courts observe, a single epithet is enough. *Rogers v Western-Southern Life Insurance Co.* 12F.3d 668, 675, 7th Cir.1993

63. ASIJDIADDROA9157-9212; 20100-20102

64. ASIJDIADDROA44962-45639

65. ASIJDIADDROA44982-44988

66. *Id.*

67. ASIJDIADDROA44969

68. *Id.*

slander, disparage, smear, and lie about Petitioner's excellent charter management history<sup>69</sup> to thwart<sup>70</sup> creation of her schools in 2014, 2017, 2018, 2019, 2023.

This was Attorney Fraud upon the Court.

Corrupt Attorney Fraud upon the Court crimes, from 2014 to present directed at the "judicial machinery" fraudulently coerced or influenced the Court and members of the Court, such that the impartial nature of the Court for all Petitioner's Charter Schools and legal cases were compromised.<sup>71</sup>

This breached Federal crimes of 18 U.S. Code § 201 – Bribery of Public Officials and Witnesses 2022, 18 U.S.C. § 471 Forgery, and 18 U.S.C. §§ 1503, 1512, 1513 Obstruction Of Justice.

Starting in 2014, Petitioner warned<sup>72</sup> governmental regulatory agencies CCRD, DCSD, State Board, STEM, who did not investigate, which was retaliation,<sup>73</sup> and did not take remedial measures for the forged, altered documents,<sup>74</sup> but covered up them.

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69. ASIJDIADDROA13563-13585

70. *Supra p8, n1*

71. *Bullock v. United States*, 721 F.2d 713, 718 (10th Cir.1983).

72. *Supra p13, n26*

73. *Supra p4, n2*

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

In March 2018, Petitioner submitted her high-quality, creative, and innovative 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 pursuant to *Clasby v. Klapper*, 636 P.2d 682, 684 (Colo. 1981), and appealed the decision to State Board, where she complained about § 24-34-402. C.R.S. Discriminatory or unfair employment practices,<sup>75</sup> third party employment discrimination, crimes of forgery, altered documents,<sup>76</sup> and fraudulent misrepresentation.

Once again DCSD, State Board, and CCRD obstructed justice, failed to investigate<sup>77</sup> the third party employment discrimination and crimes as DCSD retaliated<sup>78</sup> against her for complaints and voted to deny her appeal, despite 500 pages of complaints about employment discrimination in the 4000+ page 2018 charter, in addition to complaints about the forgery and other DCSD crimes, used to thwart<sup>79</sup> approval of the application.

On 8/15/2018, during the State Board Appeal Hearing, before the State Board voted to deny her appeal, Director Steve Durham unlawfully and falsely stated DCSD

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

76. 18 U.S.C. 1503

77. *Supra p4, n2*

78. *Id.*

79. *Supra p3, n1*

employment discrimination was “tangential” and failed to investigate<sup>80</sup> which was unlawful retaliation.

If the State Board and CCRD had investigated Petitioner’s 2018 warnings of DCSD C.R.S. § 24-34-402 Discriminatory and Unfair Employment, denounced, and granted relief for DCSD’s root cause of third party employment discrimination, which drove all the other corrupt DCSD, STEM, et al. crimes directed at Petitioner Brannberg, rendering the facility unsafe, the tragic STEM School shooting on 5/7/2019, would have been prevented.

DCSD, State Board, and CCRD, et al. got away with murder.

The CCRD, State Board, DCSD, and Jeffco, et al. failed to investigate,<sup>81</sup> which was retaliation, because they falsely and incorrectly said that did not have jurisdiction over third party employees.<sup>82</sup>

Instead, they covered up School District’s Unconstitutional habitual pattern of third party employment discrimination, and Federal crimes which created a lawless, unsafe and dangerous public education monopoly, which was and currently is contrary to the best interests and safety of pupils, district, and community.<sup>83</sup>

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80. *Supra p4, n2*

81. *Id.*

82. *Id.*

83. *Supra, p14, n30*

In March 2019, Petitioner 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.<sup>84</sup>

On 8/15/2019 the State Board, wrongly denied Petitioner's appeal.

This time, Petitioner did not stop.

On 9/19/2019, Petitioner sought APA Judicial Review through Denver District Court because, pursuant to DCSD Attorneys during the CCRD Investigation, this was the only prescribed avenue of review to obtain the relief she needed: charter approval. *Clasby v. Klapper*, 636 P.2d 682, 684 (Colo. 1981).

An employment discrimination or breach of contract lawsuit will not provide relief of charter approval.<sup>85</sup>

On 1/22/2020, after 2 years of refusing to release a CORA, spending thousands of dollars in legal fees, and exhausting all legal remedies pursuant to C.R.S. § 24-72-204 3.a. II.A., DCSD finally released the CORA containing 2616 pages of Petitioner's permanent DCSD Employment Records, Personnel Files.<sup>86</sup>

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84. *Supra*, pp 2-4

85. *Id.*

86. ASIJDIADDROA9212-11829

Petitioner discovered her 2/15/2007, CCRD Complaint against DCSD, proving she enrolled in CCRD Protected Activity<sup>87</sup> on 2/15/2007 and that DCSD hid a Materially Adverse Action, (see below), which is retaliatory and why DCSD denied her employment and charters in 2014, 2017, 2018, 2019, and 2023.

**In the 1/22/2020 CORA, DCSD illegally disseminated to Petitioner a forged one-way, Confidential Separation Agreement. The original, two-way, mutual Agreement stated “any dissemination of any draft is a violation of this agreement.”<sup>88</sup>**

The 1/22/2020, dissemination by DCSD Attorney Elliott Hood of the forged, one-way Agreement, placed it within the statute of limitations for criminal forgery, bribery, and breach of contract. The Original (unaltered) Agreement stated in ¶11, “any dissemination of any draft, is a violation of this agreement.”<sup>89</sup>

**Petitioner’s 2/15/2007, CCRD Complaint<sup>90</sup> is classified as an EEOC Materially Adverse Action<sup>91</sup>**

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87. *Supra p7, n11*

88. ASIJDIADDROA16715, ¶11

89. *Id.*

90. ASIJDIADDROA11084-11201

91. *See* U.S. EEOC Enforcement Guidance on Retaliation and Related Issues:

<https://www.eeoc.gov/laws/guidance/enforcement-guidance-retaliation-and-related-issues>

DCSD illegally and unlawfully hid the 2/15/2007, CCRD Complaint in Petitioner's permanent employment file, and in retaliation denied her employment, terms, conditions, or privileges of employment, and 17 charters in 2014, 2017, 2018, 2019, 2023, including land, buildings, and property.

#### **EEOC Types of Materially Adverse Actions<sup>92</sup>**

The most obvious types of adverse actions are denial of promotion, refusal to (re)hire,<sup>93</sup> *Roberts v. Roadway Express, Inc.*, 149 F.3d 1098, 1104 (10th Cir. 1998) denial of job benefits, demotion, suspension, and discharge. *Millea v. Metro-N. R.R. Co.*, 658 F.3d 154, 165 (2d Cir. 2011), fn. 111:

“Applying the Title VII retaliation standard for materially adverse action in an FMLA retaliation claim, the court held that a letter of reprimand, (in this case Petitioner's 2/15/2007 CCRD Complaint against DCSD), is materially adverse even if it does not directly or immediately result in any loss of wages or benefits, and does not remain in the employment file permanently.”

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92. *Id. See* 2. Types of Materially Adverse Actions, fn. 109

93. DCSD refused to (re)hire Petitioner as School Leader of her charter schools in 2014, 2017, 2018, 2019, and as CEO in 2023 because they retaliated against her for complaining and opposing DCSD employment discrimination and enrolling in CCRD “protected activity” for “protected class of religion” on 2/15/2007.

**DCSD did hide the Materially Adverse 2/15/2007 CCRD Complaint<sup>94</sup> in Petitioner's Permanent Employment/Personnel File which caused DCSD to deny her charters and employment in 2014, 2017, 2018, 2019, 2023, which did result in the loss of wages and benefits, including loss of property, land, building ownership for 17 schools, which are U.S. Constitution, Amendment 14 Citizenship Rights.<sup>95</sup>**

**DCSD's Permanent Petitioner's Employment/Personnel Files contained an arsenal of 2616 pages<sup>96</sup> of EEOC Materially Adverse Actions from 2007.**

On 1/23/2020, after two years of refusing to release a CORA, DCSD finally released 2616 pages<sup>97</sup> of DCSD Materially Adverse Actions, which explained why DCSD/Jeffco unfairly and unlawfully attacked and discriminated against Petitioner because of her religion to thwart<sup>98</sup> creation of her 17 charter schools in 2014, 2017, 2018, 2019, 2023, *Ridley v. Costco Wholesale Corp.*, 217 F. App'x 130, 135 (3d Cir. 2007) fn. 111:

“(upholding a jury verdict finding that although demotion was not retaliatory, the post-demotion transfer to warehouse, counseling notices for minor incidents, and failure to investigate

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94. ASIJDIADDROA9137-9156

95. *Supra*, p xix

96. ASIJDIADDROA16760-19377

97. *Id.*, 2024CA133 Show Cause Response, pp 33-49

98. *Supra* p3, n1

complaints about these actions were unlawful retaliation.)”

DCSD and CCRD, failed to investigate<sup>99</sup> the 2007-present discrimination complaints, which was unlawful retaliation.

In May 2018, DCSD Board President David Ray publicly stopped Petitioner from presenting her PowerPoint<sup>100</sup> exposing DCSD discrimination and crimes during DCSD’s Community Meeting pursuant to C.R.S. 22-30.5-107(2). DCSD Board, Superintendent Kane and staff failed to investigate<sup>101</sup> and aggressively hid third party discrimination and forgery/bribery crimes from parents and community, which was unlawful retaliation.

In 2018, during the State Board Appeal, the State Board failed to investigate,<sup>102</sup> hid DCSD/Jeffco Employment Discrimination and crimes.

If the State Board had investigated Petitioner’s 2018 warnings of DCSD C.R.S. § 24-34-402 Discriminatory and Unfair Employment, denounced, and granted relief for the DCSD root cause of employment discrimination, which drove all other corrupt DCSD, STEM, et al. crimes directed at Petitioner, rendering the STEM facility unsafe,

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99. *Supra p4, n2*

100. PowerPointASIJDIADDROA7504-7509;  
Q&AASIJDIADDROA46792-46808.

101. *Id.*

102. *Id.*

the tragic STEM School shooting on 5/7/2019, would have been prevented.

**DCSD Board President Peterson promised retaliation for complaints**

On 12/21/2022, when Petitioner, and her team met with DCSD Board President Mike Peterson to discuss the 2023 applications, he stated publicly:

“...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.”<sup>103</sup>

This was a Federal violation of Title VII of Civil Rights Act of 1964 retaliation and criminal Obstruction of Justice, witness, victim, or informant tampering/retaliation (18 U.S.C. §§ 1503, 1512-1513).

On 5/23/2023, Former U.S. Congressman Ken Buck’s Former District Director Robin Coran gave Public Comment before the DCSD Board voted to deny Plaintiffs’ eight charters, and gave first-hand testimony of DCSD Board employment discrimination, which she was unable to do before because of her employment with Congressman Buck and stated:

“On or about 3/1/2017, Congressman Ken Buck’s office was contacted by ASI Founder Judy Brannberg, who requested a Letter of Support. At that time, I didn’t know Judy Brannberg,

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103. ASIJDIADDROA37054-37055

so I contacted DCSD President Meghann Silverthorn, whom I knew casually from attending local events and asked for a reference about Petitioner. During our conversation, Ms. Silverthorn called Judy Brannberg a religiously offensive discriminatory slur<sup>104</sup> and basically implied our office should not provide a letter of support. After I spoke with Ms. Silverthorn, I called a longtime friend and Douglas County political activist and told her what Ms. Silverthorn said. She, knowing Judy Brannberg and her good character for many years, gave me a great recommendation. Immediately Congressman's Office provided the Letter of Support...”<sup>105</sup>

In 2023, DCSD failed to investigate,<sup>106</sup> denounce, or grant relief to Petitioner for discrimination damages caused by DCSD President Silverthorn, et al. which was unlawful retaliation, and caused DCSD (and Jeffco) to deny 17 charters, buildings, land, property, and employment in 2014, 2017, 2018, 2019, 2023.

#### **2023 DCSD Board voted unanimously to deny Plaintiffs' Charters**

On 5/23/2023, despite public testimony on that same evening by Congressman Ken Buck's Director explaining DCSD's repeated pattern of Employment Discrimination, just as DCSD President Peterson promised on 12/21/2022,

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104. *Supra p23, n62*

105. ASIJDIADDROA20100-20102

106. *Supra p4, n2*

the DCSD Board voted unanimously to deny Plaintiffs' eight charters because she complained and opposed DCSD Employment Discrimination publicly in her Colorado and U.S. Supreme Court briefs, and during public testimony, which is retaliation.

**In 2023, during the State Board Appeal, DCSD, State Board, and CDE Commissioner Susana Cordova, failed to investigate DCSD/Jeffco employment discrimination and crimes and aggressively hid them, which was unlawful retaliation.<sup>107</sup>**

CDE Commissioner Susana Cordova eliminated all discriminatory and criminal evidence from the ROA for DCSD and Jeffco's State Board appeals.<sup>108</sup> Please listen/watch 2023 Appeal Hearing videos.<sup>109</sup> See 2023 PowerPoints<sup>110</sup> as the State Board failed to investigate,<sup>111</sup> which was unlawful retaliation, and aggressively covered up School District's Unconstitutional monopoly, crimes, and third party employment discrimination, which was contrary to the best interests and safety of pupils, district, and community.<sup>112</sup>

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107. *Id.*

108. 2023CV610 Plaintiffs' Response in Opposition to State Board/CDE MTD, p 15-20

109. ASIJDIAADDROA50802-9/14/23Jeffco; ASIJDIAADDROA50801-11/9/23DCSD

110. ASIJDIAADDROA51078-51129Jeffco; ASIJDIAADDROA51023-51077DCSD

111. *Supra p4, n2*

112. C.R.S. § 22-30.5-108(3)(a) – Standard of Review for Colorado Charter Schools.

### **Criminal / Civil Investigations Background**

In November 2019, the DC Sheriff opened a criminal investigation. Petitioner 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 all who failed to investigate, which is retaliation<sup>113</sup> in order to coverup their sophisticated crimes ring:

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

Douglas County Sheriff's Office  
Sheriff Darren Weekly, Economic Crime Unit  
*Case: 2019-124545*

Colorado Civil Rights Division  
Aubrey Elenis, Director  
*Charge: 00011155, FE2018320786, E-20237*

Colorado Supreme Court OARC  
Jessica Yates, Counsel  
Robert Montgomery (STEM)  
William Trachman (DCSD/Jeffco)  
Thomas McMillen (DCSD/Jeffco)  
Elliott Hood (DCSD/Jeffco)  
Kristin Edgar (DCSD/Jeffco)  
Mary Klimesh (DCSD)  
Steve Colella (DCSD)  
Julie Tolleson (State Board/Jeffco)  
Jenna Zerylnick (State Board)

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113. *Id.*

William Bethke (STEM)  
Aubrey Elenis (CCRD)  
Bruce James (Sterling Ranch)  
Barry Arrington (STEM)  
Craig Hess (Jeffco)  
Calvin Hanson (CECFA)  
Kent Veio (CECFA)  
Hester Parrot (CECFA)  
John Cimino  
David Williams  
Clifford Cozier  
Robert Ross (DCSD)  
Michael Zywicki (STEM)  
Jake Spratt (Sterling Ranch)  
Steven Klenda  
Jessica Yates (OARC)  
Molly Ferrer (Jeffco)  
Justin Moore (OARC)  
April McMurrey (OARC)

The aforementioned attorneys executed and/or covered up crimes, fraud, and theft of client funds. They muzzled, harassed, silenced, coerced Petitioner and improperly influenced the impartial nature of the Court, therefore Fraud upon the Court has been established, so judgments may be attacked, and overturned.

**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 non-investigated attorneys because they knew about the forgery of the Confidential Separation Agreement, the fraudulent STEM School CECFA Bond, the third-party employment discrimination, and covered-up the largest public education scandal in U.S. history, which resulted in the unsafe learning environment which caused the tragic school shooting and murder on 5/7/2019.

### **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 \$137,516.00 by Petitioner Brannberg, to represent her against breach of contract, forgery, fraud, etc. Each violated RPC 3.3. and dishonestly used fraud and theft of client funds, and obstructed justice to cover up opposing parties' crimes.

In September 2022, after the Colorado Supreme Court granted Certiorari, Petitioner applied for reimbursement from the Supreme Court OARC Attorney's Fund for Client Protection, to recoup her losses, so that she could hire an appeals attorney.

The Colorado Supreme Court sternly threatened, coerced, and harassed Petitioner Brannberg because she exposed the fraudulent, illegal Attorney criminal

misconduct, bogus and sham OARC non-investigations, and Attorney Fraud upon the Court crimes. (See Appendices E-J)

The Colorado Supreme Court OARC refused/failed to investigate<sup>114</sup> 25+ attorneys, which is retaliation, and obstructed justice to cover-up attorney fraud upon the Court, and theft of client funds. Therefore Petitioner is representing herself pro se.

The Colorado Supreme Court Justices oversee, manage, and have jurisdiction over the OARC, who refused/failed to investigate 25+ attorneys, which is retaliation,<sup>115</sup>

## REASONS TO GRANT THE PETITION

### Relating to Question One

**I. Certiorari should be granted because it will ensure that the Emergency Writ of Injunction is reviewed by U.S. Supreme Court Justices in this Petition of Certiorari and that the Emergency Injunction will remain intact and not expire, until after the U.S. Supreme Court rules on this Petition for Certiorari and after pending final judgment by jury trial in Denver District Court Case 2023CV610.**

*See Emergency Writ of Injunction, 23A1007 DISTRIBUTED for Conference of 6/13/2024.*

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114. *Supra p4, n2*

115. *Id.*

Petitioner seeks preliminary injunctive relief that DCSD, Jeffco, State Board, CDE, CDE Commissioner Susana Cordova, and Sterling Ranch, are enjoined and prohibited through preliminary injunction from consummating and/or approving any and all new Colorado charter schools, pending final judgment by jury trial for Denver District Court Case 2023CV610, Colorado Court of Appeals 2024CA133, Colorado Supreme Court 2024SC181, and U.S. Supreme Court Emergency Writ of Injunction 23A1007 denied by Justice Neil M. Gorsuch on 5/21/2024, submitted to Justice Clarence Thomas, on 5/22/2024, DISTRIBUTED for Conference of 6/13/2024, and filed in this Supreme Court Petition for Writ of Certiorari for review by Supreme Court of U.S. Justices, because of (1) irreparable injury in the absence of such an order; (2) that the threatened injury to the moving party outweighs the harm to the opposing party resulting from the order; (3) that the injunction is not adverse to public interest; and (4) that the moving party has a substantial likelihood of success on the merits.

The main goal of District and State Boards, et al. now is not the safety and well-being of students, but to protect themselves from criminal charges, and public discovery of their Unconstitutional habitual pattern of employment discrimination and Federal crimes which created a dangerous, unsafe, and lawless Unconstitutional public school monopoly executed by fourteen Defendants and their 25+ attorneys to thwart<sup>116</sup> creation of Petitioner's 17 charter schools in 2014, 2017, 2018, 2019, 2023, which resulted in the 5/7/2019 STEM School shooting.

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116. *Supra p3, n1*

**Relating to Question Two**

**II. Certiorari should be granted because the Unconstitutional public school monopoly has created a lawless, unsafe, and dangerous safety breach in all U.S. public education schools because C.R.S. § 22-30.5-108(3)(d) states: “State Board’s decision shall be final and not subject to appeal.”**

Under current laws, District and State Boards are allowed to commit Federal 42 U.S.C. §§ 2000e et seq. Title VII of the Civil Rights Act 2022 and C.R.S. § 24-34-402 Discriminatory or unfair employment practices paired with sinister and lawless Federal crimes explained in the Motion and Memorandum for Preliminary Injunction, in the Colorado Supreme Court Petition for CERT 2024SC181, and this Petition for CERT to the Supreme Court of the U.S., without recourse, accountability, Judicial Review, and without investigation, which is unlawful retaliation.<sup>117</sup>

*See Appendix A and B.*

Students are not safe without Judicial Review, as parent/community voices are suppressed, gagged, and silenced to coverup unbridled carte blanche Federal crimes and a habitual pattern of Unconstitutional employment discrimination, creating a lawless, unsafe and dangerous public education monopoly, which resulted in the tragic 5/7/2019 STEM School shooting and murder.

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117. *Supra*, p4, n2

**Relating to Question Three**

**III. Certiorari should be granted because the Colorado Supreme Court is disqualified from rendering judgment for this case, pursuant to Colorado Code Judicial Conduct 2.11, because Colorado Supreme Court Justices are Defendants in 2023CV610.**

Both Applicants' Motion and Memorandum for Preliminary Injunction (*see* Appendix B) and Applicants' Petition for Writ of Certiorari to Colorado Supreme Court (*see* Appendix A) were denied because Colorado Supreme Court Justices have a Conflict of Interest in this case, because they are named Defendants in Denver District Court Case No. 2023CV610, and manage, oversee, and have jurisdiction over Colorado Supreme Court Office of Attorney Regulation Counsel, ("OARC"), who are also Defendants in 2023CV610.

*See* Emergency Writ of Injunction, DISTRIBUTED for Conference of 6/13/2024.

Colorado Supreme Court Justices covered up the Unconstitutional habitual pattern of employment discrimination, Federal crimes, and the unsafe, and lawless public education monopoly, which endangers all children in the U.S.

*See* Appendices F-I.

**IV. Certiorari should be granted because the Colorado Supreme Court Justices illegally struck and banned all evidence incriminating the Colorado Supreme Court OARC and Petitioner's Attorneys exposing Respondent District, State Board, and Attorneys' Unconstitutional habitual pattern of employment discrimination, Federal crimes, and dangerous, unsafe, and lawless public education monopoly, which they failed to investigate,<sup>118</sup> which is unlawful retaliation.**

*See Appendices F-I.*

**V. Certiorari should be granted because the Colorado Supreme Court sternly threatened, coerced, and harassed Petitioner Brannberg because she exposed the fraudulent, illegal Attorney criminal misconduct, OARC Investigation, with Attorney Fraud upon the Court crimes.**

*See Appendices F-I.*

Pursuant to Federal 18 U.S.C. § 873 Blackmail and Extortion laws and § 18-3-207 C.R.S., Colorado Criminal Extortion Laws, a conditional threat, with the words "IF," is a threat to do harm "IF" the person being threatened does not comply with the person making the threat.

Pursuant to FBI official website/guides<sup>119</sup> of the U.S. Government:

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118. *Supra p4, n2*

119. Department of Justice, Federal Bureau of Investigation, Threat Intimidation Guide. If someone communicates any statement

“If someone communicates any statement or indication of an intention to inflict pain, injury, damage, or other hostile action in an illegal manner, to include in a manner that **manipulates the US legal system, THAT'S A THREAT.**”

The Colorado Supreme Court and OARC should have taken immediate, swift action to punish and discipline attorney crimes and Fraud upon the Court, but instead covered up crimes and illegally **threatened, coerced, and harassed** Petitioner Brannberg.

*See Emergency Writ of Injunction DISTRIBUTED for Conference of 6/13/2024, Appendix F.)*

Attorney Fraud upon the Court in 2021SC885, directed at the “judicial machinery” fraudulently coerced and influenced the court itself or a member of the court, such that the impartial nature of the court was compromised.

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or indication of an intention to inflict pain, injury, damage, or other hostile action in an illegal manner, to include in a manner that manipulates the US legal system, **that's a threat.** <https://www.fbi.gov/file-repository/threat-intimidation-guide-english-022322.pdf/view#:~:text=If%20someone%20communicates%20any%20statement,legal%20system%2C%20that's%20a%20threat>

**VI. Certiorari should be granted because Federal crimes were committed by Respondent Boards, Staff, and Attorneys, et al. who conspired to thwart,<sup>120</sup> deny, and stop approval for 17 charters, which governmental regulatory agencies, OARC, CCRD, Sheriff, State Board, DCSD and Jeffco failed to investigate which was unlawful retaliation.<sup>121</sup>**

*See* pages 8-12 in this CERT.

**VII. Certiorari should be granted because Colorado Supreme Court OARC failed to investigate,<sup>122</sup> which was unlawful and Unconstitutional retaliation.**

OARC Counsel Jessica Yates derelicted her duties, conducted dishonest, bogus, and sham “non-investigations” to coverup 25+ attorneys’ crimes,<sup>123</sup> failed to investigate,<sup>124</sup> which was unlawful retaliation.

This is explained with particularity in Plaintiffs’ Response in Opposition to Colorado Supreme Court OARC Motion to Dismiss for 2023CV610, filed on 1/16/2024, and also in the OARC Notice of Claim filed on 12/5/2023,<sup>125</sup> which also explains that the Colorado Supreme Court Justices have a financial interest in this case and are

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120. *Supra p3, n1*

121. *Supra p4, n2*

122. *Id.*

123. ASIJDIADDROA27587-27777

124. *Id.*, ASIJDIADDROA43815-43990

125. ASIJDIADDROA49458-49930

therefore disqualified from rendering judgment. OARC failed to investigate the following attorneys, which the OARC has jurisdiction over, which was unlawful retaliation.<sup>126</sup>

In this case, there is both theft of client funds and fraud. Breach of Contract is considered a criminal felony offense when it involves fraud.

**VIII. Certiorari should be granted because DCSD bought out Petitioner's Former Attorneys D.K. Williams, John A. Cimino, and Steven A. Klenda to thwart<sup>127</sup> creation of Petitioner's schools and sabotage her legal cases, which the OARC failed to investigate, which was unlawful retaliation.**<sup>128</sup>

Applicant provided substantial evidence<sup>129, 130</sup> to Governmental Regulatory Agencies, 1.) Colorado Supreme Court Office of Attorney Regulation Counsel ("OARC"), 2.) Colorado Civil Rights Division, and 3.) Douglas County Sheriff's Office, proving her former Attorneys D.K. Williams and John A. Cimino were bought out by DCSD Development and Innovation Officer/Sterling Ranch Consultant Pat McGraw and former Attorney Steven A.

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126. *Supra p4, n2*

127. *Supra p3, n1*

128. *Id.*

129. Explained with particularity, Colorado Supreme Court Attorneys' FUND FOR CLIENT PROTECTION ASIJDIADDROA20261-20433

130. ASIJDIADDROA37100-43991

Klenda was bought out by DCSD Attorney Will Trachman to thwart creation of her schools, sabotage her legal cases, all who failed to investigate,<sup>131</sup> to thwart<sup>132</sup> creation of Petitioner's 17 charter schools in 2014, 2017, 2018, 2019, and 2023.

DCSD Attorney buy-outs were mentioned in Applicants', 2023 Petition for Certiorari to the U.S. Supreme Court, 22-1106, p. 28, but were not a claim.

Since 2014, Petitioner has spent more than \$200,000.00 of her own personal money on legal fees paid to 10+ attorneys to obtain justice/charter approval, and therefore is now representing her case *pro se*, because of unbridled, Unconstitutional corruption which has infiltrated the highest court in Colorado, Colorado Supreme Court.

**IX. Certiorari should be granted because In 2023, State Board and CDE Commissioner Susana Cordova, failed to investigate DCSD/Jeffco employment discrimination and crimes and aggressively hid illegal and unlawful misconduct from community, pupils, and Districts, which was unlawful retaliation.<sup>133</sup>**

CDE Commissioner Susana Cordova eliminated all discriminatory and criminal evidence from the ROA for DCSD and Jeffco's State Board appeals.<sup>134</sup>

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131. *Id.*

132. *Supra p3, n1*

133. *Supra p4, n2*

134. 2023CV610 Plaintiffs' Response in Opposition to Ste Board/CDE MTD, p 15-20

*Please listen/watch 2023 State Board Appeal Hearing videos.<sup>135</sup> See 2023 PowerPoints<sup>136</sup> as State Board failed to investigate, which was unlawful retaliation, and aggressively hid DCSD/Jeffco, et al. discriminatory and unfair employment.*

**X. Certiorari should be granted because the Sheriff failed to investigate<sup>137</sup> and conspired with DCSD to coverup crimes, which is unlawful retaliation.**

In Summer 2023, Plaintiffs executed a CORA, which proved that in April/May 2023,<sup>138</sup> the DCSD Board and staff illegally colluded and conspired with Douglas County Sheriff Darrin Weekly, to cover-up and hide DCSD crimes, who refused to investigate DCSD crimes which is retaliation.<sup>139</sup>

On 1/17/2024, Petitioner personally met with an F.B.I. Agent at 8000 E 36th Ave, Denver, CO 80238, to report Federal crimes because DC Sheriff Darren Weekly derelicted his duty, failed to investigate<sup>140</sup> and secretly colluded, conspired, and coordinated with DCSD staff and

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135. ASIJDIAADDROA50802-9/14/23, Jeffco; ASIJDIAADDROA50801-11/9/23, DCSD

136. ASIJDIAADDROA51078-51129, Jeffco; ASIJDIAADDROA51023-51077, DCSD

137. *Supra p4, n2*

138. Explained with particularity, 2024CA133, 2024.02.20 Show Cause Response, pp 87-94

139. *Supra p4, n2*

140. *Id.*

board to coverup crimes, which is unlawful retaliation, to bribe, stop, deny, and thwart<sup>141</sup> creation of Plaintiff's 17 charters, and coverup DCSD Board, Superintendent Kane, and Staff crimes, which resulted in an unsafe learning environment for all pupils.

On 2/2/2024, Petitioner/Plaintiffs Amended her COMPLAINT OF JUDICIAL REVIEW, to add new evidence discovered in CORA, showing that DCSD Board/Staff and Sheriff conspired, to coverup Federal crimes, which was denied by Denver District Judge for 2023CV610.

#### **Relating To Question Four**

**XI. Certiorari should be granted because CCRD failed to investigate third party Employment discrimination,<sup>142</sup> which is unlawful retaliation, because they falsely claimed that they lacked jurisdiction.**

As explained throughout this Petition, the CCRD covered up DCSD, Jeffco, State Board employment discrimination when they failed to investigate, which is unlawful retaliation.<sup>143</sup>

See Appendix E, C, D.

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141. *Supra p3, n1*

142. *Supra p4, n2*

143. *Id.*

**Relating to Question Five:**

**XII. Certiorari should be granted because DCSD, STEM, CCRD, et al. breached the contract and therefore the CONFIDENTIAL SEPARATION AGREEMENT is terminated and STEM School leadership is returned to Respondents.**

**CONCLUSION**

This is an unusual, unprecedeted, once-in-a-century legal case. Without Petition for Certiorari to the U.S. Supreme Court, parent and charter school entrepreneur voices are threatened to extinction by recalcitrant State and District School Boards, and their attorneys, who currently have the final word and an Unconstitutional, dangerous, and lawless public school monopoly with all State Board decisions, which has jeopardized the safety and well-being of all U.S. school students. Please grant Cert.

Respectfully submitted,

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