

OSIG investigator cites remarks by top Northam official in seeking expedited hearing on whistleblower status

- [Mark Bowes](#), [Patrick Wilson](#) - Mar 15, 2021



Virginia Parole Board

The chief state investigator who substantiated violations by the Virginia Parole Board filed a motion Monday for an expedited hearing in her bid to be granted whistleblower protection status, citing “significant retaliatory actions” against her and public comments from the governor’s office since she turned over information to state legislators.

The motion filed in Richmond Circuit Court cites remarks made last week by Clark Mercer, Gov. Ralph Northam’s chief of staff, as one reason why a hearing must be held sooner rather than later on Inspector General investigator Jennifer A. Moschetti’s request for a judge to declare her a whistleblower under state law.

At the governor’s March 9 news conference announcing updates on COVID-19, Mercer “attacked the character of [Moschetti] as biased while hailing the parole board as brave,” said Moschetti’s attorney, Timothy Anderson, in the motion. “The governor is using its bully pulpit to malign the petitioner and publicly discredit her work which is directly contradicted [by reports on her work performance].”

Mercer said at the news conference that an Office of the State Inspector General report that found violations of the law and policy by the parole board and its former chair, Adrienne Bennett, is biased and lacked objectivity, and that the

governor was talking to state lawmakers about state funding for an independent investigation of the controversies surrounding the board.

Anderson's motion includes attachments that show Moschetti, a certified fraud examiner, earned high marks as an OSIG investigator and was awarded a \$2,000 bonus on Feb. 6 as a result of her work probing allegations submitted to OSIG about the parole board.

"These cases have required much research, editing and discussion, in addition to lengthy phone calls with the Office of the Attorney General," her supervisors, including Inspector General Michael Westfall, wrote Jan. 25.

In an October performance evaluation, Moschetti was rated as an "extraordinary contributor" who had been assigned 16 cases during her 10 months with OSIG. Noting that Moschetti was tasked with investigating several parole board cases, the evaluation said she "meticulously reviewed and re-reviewed evidence and other documentation to ensure the final reports were of the highest quality. Jennifer supported her work by meeting with staff within the governor's office to review and reinforce her findings."

Moschetti filed her whistleblower lawsuit against Westfall on March 8 after OSIG staff delivered a letter to her house saying she was being placed on leave while OSIG investigated allegations of misconduct against her. She sent a letter that day to Westfall and his deputy "unmasking herself as a Whistle Blower" and demanding they reverse the decision to put her on leave, according to the lawsuit.

Fearing for her job security, Moschetti released some of her records related to the parole board to General Assembly leaders on March 3 under a state whistleblower law. In her lawsuit, Moschetti said that after news outlets last year obtained an OSIG report that certified the agency's findings against the parole board in granting parole to Vincent Martin, she and Westfall were called to the governor's office and "interrogated" by his staff about her findings. Martin was sentenced to

life in prison for the 1979 killing of a Richmond police officer, but was released last year.

She said in her lawsuit that the meeting was done to intimidate OSIG and that afterward, Westfall — who was appointed by Northam — told her he could lose his job over the result of OSIG's investigation in the Martin case.

After that, Moschetti gave additional reports to Westfall about misconduct at the parole board, but those reports were not sent to the governor, according to her complaint. The lawsuit says Westfall certified his agency's findings against the parole board in granting parole to eight convicted killers, including Martin.

OSIG investigated allegations in a ninth case that involved the board's [decision to grant parole](#) to an inmate who received a life sentence in 1993 for murder. A draft OSIG report obtained by the Richmond Times-Dispatch that is dated in January found misconduct by the board and its former chair in the process they used to release the inmate.

The status of that investigation is unclear.

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