

Citizen Sues Virginia Military Institute and Its Board, Alleging Secret "Group-Text" Meetings, Withheld and Altered Public Records

Verified Petition for Writ of Mandamus — York County Circuit Court — Filed June 1, 2026

The hook: A verified petition filed June 1, 2026, accuses the governing board of one of the nation's last state-run military colleges of conducting public business in secret — by reply-all email and text message — and of withholding, redacting, and even **altering** public records to obscure how a prominent donor-BOV Member was pushed off the board, and the board president was forced to step down. The suit seeks personal financial penalties against the institute's FOIA officer and six sitting board members.

The Filing, at a Glance

- **Case:** Robert C. Morris, Jr. v. Virginia Military Institute, et al., Circuit Court for York County, Case No. CL26005973-00 (filed June 1, 2026).
- **Type:** Verified Petition for Writ of Mandamus under the Virginia Freedom of Information Act (Va. Code § 2.2-3700 *et seq.*).
- **Defendants:** VMI; its Board of Visitors; FOIA Officer William J. Wyatt, Jr. (official and individual capacity); and — named in their individual capacities for civil penalties — a board administrator (Matthew Tyree) and six current board members: Donald Hall, Thomas Williamson, Lester Johnson Jr., Damon Williams, board president Michael Dick, and Terence McKnight.
- **Petitioner:** Robert C. Morris, Jr., represented by Matthew D. Hardin.

Why It's a Story

- **"Government by group text."** The petition alleges board members held unnoticed electronic "meetings" through reply-all emails and texts about board business — including the day *after* the FOIA officer reminded them in writing that doing so was illegal, and despite repeated formal FOIA training warning them not to "Reply All."
- **A board member's own words.** According to the petition, board member Donald Hall publicly admitted he was "the principal negotiator" of VMI actions with Governor Spanberger and the General Assembly. The recent actions generating the most controversy include legislation to change VMI's Board of Visitors, threats to withhold funding, initiate another Investigation into VMI, pressure the Member to resign, the President to Step down. In the same BOV meeting Hall also stated that former Governor Ralph Northam "was more involved than anyone in this room knows other than me."
- **Records that went missing.** The suit alleges VMI produced *no* records at all from Hall — the self-described principal negotiator — none from former Gov. Northam, withheld voicemails and call logs, and redacted the names of some email senders and recipients.
- **An altered public record.** The petition alleges the FOIA officer changed an online portal entry to replace his own name with the anonymous label "Staff," concealing that he had personally created a records request on behalf of an outside journalist — conduct the suit says triggers a per-record civil penalty.
- **Locked out of an open meeting.** A professional process server, hired to hand-deliver written public comments to inform the BOV of issues for their consideration, was allegedly turned away from open board committee meetings and falsely told the open sessions were closed to the public.
- **A storied institution in turmoil.** The forced exit of BOV Member Thomas "Teddy" Gottwald ('83) and the removal of board president Col. (Ret.) James P. Inman ('86) raise the question of who is really steering VMI — and why it is happening out of public view. The suit also challenges withholdings tied to a 1996 study on privatizing VMI and to an Inspector General report on the school's deliberate attempts to control, close, or, if those failed, discredit VMI's 186+ year-old independent award-winning student newspaper, *The Cadet*, as well as cadets and alumni associated with it.

The Bigger Picture — Who Controls Virginia's University Boards?

This lawsuit comes amid broader 2025–26 turmoil over control of Virginia's public university governing boards. In Virginia, the **Governor appoints** the members of those boards — a structural power that invites scrutiny of how, and why, board members come and go.

Separately, and according to reporting by *Virginia Scope* and *Cardinal News* (sources below), Gov. Abigail Spanberger removed John Rocovich as Rector of the Virginia Tech Board of Visitors in 2026, a move Rocovich has publicly contested. Reporters may wish to examine these threads side by side:

- Who appointed the current VMI board members, and do any have ties to the current or a prior administration?
- Why are VMI BOV Members accused of conducting board business in secret, remaining seated, and FOIA staff accused of wrongdoing remain in their positions and not at least suspended pending the outcome of a full, independent, and transparent adjudication by the Court? At the same time, the Virginia Tech rector was removed without any empirically supported justification — and were the standards applied consistently?
- What role, if any, did state officials play in the VMI departures? (Note: the petition centers on *former* Gov. Northam's alleged involvement; it does **not** allege that the *current* Governor directed the VMI changes — an open question the requested records could answer.)

The national angle: How much political control should governors and legislators exert over the independence of public universities — and how much of that maneuvering is happening outside the public record?

What the Suit Seeks

Full production of the withheld records; a court declaration that the secret electronic meetings were unlawful; **personal civil penalties of \$500–\$5,000 per violation** against the named officials; a separate penalty for altering a public record; recovery of attorney's fees; and an injunction requiring board members to conduct official business on official accounts and devices rather than personal phones and email. Importantly, other than possibly recovering attorney's fees, all penalties collected go to the State Literary Fund, not the petitioner.

Documents & Sources

- Verified Petition, *Morris v. VMI*, York County Circuit Court, Case No. CL26005973-00 (filed June 1, 2026) — available on request.
- Statement by VT Rector Rocovich: <https://www.http://www.cardinalnews.org/wp-content/uploads/2026/05/Rocovich-leter.pdf>
- Va. FOIA: Va. Code § 2.2-3700 *et seq.*; civil penalties § 2.2-3714; *Beck v. Shelton*, 267 Va. 482 (2004); *Suffolk City Sch. Bd. v. Wahlstrom*, 302 Va. 188 (2023).
- Virginia Scope (Va. Tech rector removal): virginiascope.com/gov-spanberger-fired-the-virginia-tech-rector
- SCHEV news item: schev.edu/Home/Components/News/News/794/16

Media Contact

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Prepared for members of the news media on behalf of the petitioner in coordination with legal counsel. The matters described are allegations drawn from a verified court petition and from cited third-party reporting; they have not been adjudicated. Reporters are encouraged to verify all linked sources independently.

SERVICE OTHER THAN BY VIRGINIA SHERIFF

COMMONWEALTH OF VIRGINIA
VA. CODE §§ 8.01-293, 8.01-320, 8.01-325

Case No. CL26005973-00

Service No. 10 (Clerk's use only)

YORK COUNTY-POQUOSON

Circuit Court

ROBERT MORRIS

v. VIRGINIA MILITARY INSTITUTE

WILLIAM J. WYATT, JR, 201 SMITH HALL, 319 LETCHER AVE, LEXINGTON, VA 24450

Secretary to the Board of Visitors & FOIA officer, Virginia Military Institute
is the name and address of the person upon whom service of the following is to be made:

Summons and Complaint

I, the undersigned, swear/affirm that

1. I am an official or an employee of an official who is authorized to serve process of the type described in the attached Proof of Service and my title and bailiwick are as follows:

or,

I am a private process server (list name, address and telephone number below).

or,

I am an investigator employed by the Indigent Defense Commission serving a witness subpoena while engaged in the performance of my official duties.

or,

I am an investigator employed by an attorney for the Commonwealth serving process while engaged in the performance of my official duties. I affirm that the sheriff for the jurisdiction where process was served has agreed that I may serve process. (List sheriff's name, title and agency below).

2. I am not a party to, or otherwise interested in, the subject matter in controversy in this case.

3. I am 18 years of age or older.

4. I served, as shown below, the above-named person upon whom service of process was to be made with copies described above.

— Date and time of service:

— Place of service:

— Method of service: STREET ADDRESS, CITY AND STATE

<input type="checkbox"/> Personal Service	<input type="checkbox"/> Not Found
<input type="checkbox"/> Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivery to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of person to be served after giving information of its purport. List name, age of recipient, and relation of recipient to party	
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode (other authorized recipient not found).	
<input type="checkbox"/> (Garnishment Summons Only, § 8.01-511) Copy mailed to judgment debtor after serving the garnishee on date of service below unless a different date of mailing is shown.	
DATE OF MAILING	

.....
DATE

.....
SIGNATURE

State/Commonwealth of, [] City [] County of

Subscribed and sworn to/affirmed before me this day of, 20

by
PRINT NAME OF SIGNATORY

TITLE

.....
DATE

.....
NOTARY PUBLIC (My commission expires))

Registration No.

COMMONWEALTH OF VIRGINIA



SUMMONS – CIVIL ACTION
RULE 3:5; VA. CODE § 8.01-2

Case No. CL26005973-00

YORK-POQUOSON CIRCUIT COURT

300 BALLARD STREET, YORKTOWN, VA 23690

ADDRESS

TO:

WILLIAM J. WYATT, JR, SECRETARY TO THE
BOARD OF VISITORS AND FOIA OFFICER, VIRGINIA
MILITARY INSTITUTE, 201 SMITH HALL,
319 LETCHER AVE, LEXINGTON, VA 24450

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia.

JUNE 1, 2026

DATE

KRISTEN N. NELSON

Clerk

by

Eui Staho

DEPUTY CLERK

Instructions:

Hearing Official:

VIRGINIA:

IN THE CIRCUIT COURT FOR YORK COUNTY

ROBERT C. MORRIS, JR.,)
)
 Petitioner,)
)
 v.)
)
)
 VIRGINIA MILITARY INSTITUTE;)
 BOARD OF VISITORS OF THE)
 VIRGINIA MILITARY INSTITUTE;)
 WILLIAM J. WYATT, JR., in his official)
 capacity as FOIA Officer and individually;)
 DONALD L. HALL, individually;)
 THOMAS WILLIAMSON, individually;)
 MATTHEW TYREE, individually;)
 LESTER JOHNSON, JR., individually;)
 DAMON WILLIAMS, individually;)
 MICHAEL DICK, individually;)
 TERENCE E. McKNIGHT, individually,)
)
 Respondents.)

**VERIFIED PETITION
FOR A WRIT OF MANDAMUS**

CASE NO: CL26005973-00

SERVE:

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Attorney General of
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319 Letcher Avenue
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Donald L. Hall
Thomas Williamson
Lester Johnson, Jr.
Damon Williams
Michael Dick
Terence E. McKnight
Matthew Tyree
c/o Acting General Counsel
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William J. Wyatt, Jr.
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VERIFIED PETITION
FOR A WRIT OF MANDAMUS
PURSUANT TO THE VIRGINIA FREEDOM OF INFORMATION ACT

NOW COMES Robert C. Morris, Jr., by counsel, and alleges the following:

PARTIES, JURISDICTION, AND VENUE

1) This matter is brought under the Virginia Freedom of Information Act (hereinafter “VFOIA” or “FOIA”). Va. Code § 2.2-3713(A) authorizes this Writ and gives this Court jurisdiction. Venue is proper in the Circuit Court for York County pursuant to Va. Code § 2.2-3713(A) because this suit involves “a public institution of higher education.”

2) The Petitioner is Robert C. Morris, Jr., a citizen and domiciliary of York County, Virginia.

3) Respondent Board of Visitors of Virginia Military Institute (hereinafter “BOV”) is a “public body” as that term is defined at Va. Code § 2.2-3701. It is also a “governing board[] of [a]public institution[] of higher education” within the meaning of that same Code. *Id.* The BOV is also the “governing body” of VMI within the meaning of Va. Code § 23.1-1300.

4) Virginia Military Institute (“VMI”) is the name under which the BOV of Virginia Military Institute conducts business. Va. Code § 23.1-2500. VMI is one and the same as its BOV.

5) Respondent William J. Wyatt, Jr. is VMI’s FOIA Officer, Executive Officer to the Superintendent, and Secretary to the Board of Visitors. He is sued in his official and individual capacities for the imposition of civil penalties under Va. Code §§ 2.2-3714(A) and (B) for his personal involvement in the violations alleged herein, including the exclusion of members of the public from open meetings and the alteration of public records. Additionally, it is alleged on information and belief that Mr. Wyatt is in personal custody of state records that have not been properly maintained at VMI or turned over to Mr. Morris pursuant to FOIA and/or that Mr. Wyatt

did not properly search for and/or ensure disclosure of responsive records as requested and required by law.

6) Respondent Donald L. Hall is a member of the VMI Board of Visitors. He is sued individually for the imposition of civil penalties under Va. Code § 2.2-3714(A) for his personal participation in the unlawful, unnoticed electronic meetings described herein. Additionally, it is alleged on information and belief that Mr. Hall is in personal custody of state records that have not been properly maintained at VMI or turned over to Mr. Morris pursuant to FOIA.

7) Respondent Thomas Williamson is a member of the VMI Board of Visitors. He is sued individually for the imposition of civil penalties under Va. Code § 2.2-3714(A) for his personal participation in the unlawful, unnoticed electronic meetings described herein. Additionally, it is alleged on information and belief that Mr. Williamson is in personal custody of state records that have not been properly maintained at VMI or turned over to Mr. Morris pursuant to FOIA.

8) Respondent Matthew Tyree is the Administrative Assistant to the Virginia Military Institute Board of Visitors and works directly for Respondent William Wyatt in Wyatt's Capacity as the BOV Secretary. As such, Tyree has had training on the FOIA and has full knowledge of FOIA law and compliance requirements as required by his official position. Mr. Tyree is sued individually for the imposition of civil penalties under Va. Code § 2.2-3714(A) for his personal participation in the unlawful, unnoticed electronic meetings and other violations described herein. Additionally, it is alleged on information and belief that Mr. Tyree denied lawful public access to multiple BOV Committee meetings and/or is in personal custody of state records that have not been properly maintained at VMI or turned over to Mr. Morris pursuant to FOIA as described herein.

9) Respondent Lester Johnson, Jr. is a member of the VMI Board of Visitors. He is sued individually for the imposition of civil penalties under Va. Code § 2.2-3714(A) for his personal participation in the unlawful, unnoticed electronic meetings described herein. Additionally, it is alleged on information and belief that Mr. Johnson is in personal custody of state records that have not been properly maintained at VMI or turned over to Mr. Morris pursuant to FOIA.

10) Respondent Damon Williams (upon information and belief, a/k/a Allen D. Williams) is a member of the VMI Board of Visitors. He is sued individually for the imposition of civil penalties under Va. Code § 2.2-3714(A) for his personal participation in the unlawful, unnoticed electronic meetings described herein. Additionally, it is alleged on information and belief that Mr. Williams is in personal custody of state records that have not been properly maintained at VMI or turned over to Mr. Morris pursuant to FOIA.

11) Respondent Col. (Ret.) Michael Dick is President of the VMI Board of Visitors. He is sued individually for the imposition of civil penalties under Va. Code § 2.2-3714(A) for his personal participation in the unlawful, unnoticed electronic meetings described herein. Additionally, it is alleged on information and belief that Mr. Dick is in personal custody of state records that have not been properly maintained at VMI or turned over to Mr. Morris pursuant to FOIA.

12) Respondent Terence E. McKnight is a member of the VMI Board of Visitors. He is sued individually for the imposition of civil penalties under Va. Code § 2.2-3714(A) for his personal participation in the unlawful, unnoticed electronic meetings described herein. Additionally, it is alleged on information and belief that Mr. McKnight is in personal custody of

state records that have not been properly maintained at VMI or turned over to Mr. Morris pursuant to FOIA.

FOIA REQUEST NO. 26-37: THE PRIVATIZATION STUDY

13) On March 2, 2026, pursuant to Virginia Code § 2.2-3700 *et seq.*, Petitioner submitted a FOIA request to VMI. In that request, Mr. Morris stated:

Pursuant to the Virginia Freedom of Information Act, I hereby request the following records: The current superintendent and other members of the VMI administration recently made public statements regarding a study or feasibility analysis, conducted sometime around 1996, on the possibility of converting VMI to a private institution. I am therefore requesting a copy of the 1996 study on VMI going private and all related records supporting it to include, without limitation, any resolutions or actions provided to the BOV with the associated study.

This request was submitted to VMI by electronic submission through the NextRequest portal. VMI received the FOIA request and assigned it tracking number 26-37.

14) VMI denied the request that same day, stating “There are three records responsive to your request. However, these records are not subject to disclosure in accordance with Va. Code § 2.2-3705.1.(2) - Records protected by attorney client privilege.”

15) On information and belief, VMI’s claim of attorney-client privilege is inapplicable to the requested records. The records, or at least some portion of the records, do not consist of legal advice protected by the attorney-client privilege, but rather constitute an institutional feasibility study that was presented to the Board of Visitors and therefore waived any privilege that might otherwise have attached.

FOIA REQUEST NO. 26-56: THE INSPECTOR GENERAL REPORT

16) On April 12, 2026, Petitioner submitted FOIA Request No. 26-56 to VMI, requesting the Inspector General's (IG) report concerning the VMI administration's actions in relation to *The Cadet* student newspaper.

17) On April 28, 2026, VMI produced the same records previously produced to a previous requestor in 2023 under FOIA 23-75, without the addition of any new records. The FOIA officer labeled the download folder "23-75Evidence" indicating the records contained the full evidence used by the IG in the investigation. VMI purported to withhold eleven (11) records in their entirety, claiming both the "working papers" exemption under Va. Code § 2.2-3705.7(2) and the "personnel records" exemption under Va. Code § 2.2-3705.1(1). On information and belief, both exemptions are inapplicable. Further, even as to records withheld only in part, the VMI redacted such large portions of documents that it is difficult to credit VMI for its partial withholdings.

18) On information and belief, the working-papers exemption is inapplicable because the IG inquiry was initiated by and at the direction of the VMI Board of Visitors ("BOV"), not by the Superintendent for his personal or deliberative use. Va. FOIA Council Op. AO-12-00 ("Records that were prepared by others on their own initiative, and which are received by the [chief executive], are not working papers, even if received for the [chief executive's] personal or deliberative use."); Va. FOIA Council Op. AO-02-15 ("The working papers exemption is limited to working papers and correspondence of certain specifically named public officials and is not a general exemption for any and all records a public body may want to protect.").

19) Even if the IG Report initially qualified as a working paper, *arguendo*, the exemption was waived or lost when the Superintendent disseminated the report beyond his

personal or deliberative use by briefing it to the BOV in the October 31, 2023 closed session. Va. FOIA Council Op. AO-12-00 (“Once the chief executive disseminates any records held by him, the working papers lose their exemption status.”). The Attorney General has similarly opined that “once public records are distributed by the division superintendent, the [working papers exemption] no longer applies.” 1976-77 Op. Atty. Gen. Va. 315.

20) The personnel-records exemption similarly cannot justify wholesale withholding. VMI’s own representative admitted the report covers multiple “subjects,” and the principal subject’s identity was already public as are the names of Cadets, alumni and others involved in the events, who submitted information, and/or with whom VMI employees and/or staff and/or Board of Visitors members communicated. The exemption under Va. Code § 2.2-3705.1(1) is “narrowly limited to those employed by the government and does not encompass any individual whose information merely happens to appear in a public record.” *Hawkins v. Town of South Hill*, 301 Va. 416, 878 S.E.2d 408, 416 (2022). The Supreme Court further held that “the only content exempt from disclosure is that which is tied to the employment of the individual in some way, and which otherwise would not be disclosed to the employer.” *Id.* VMI bears the burden of producing the non-exempt portions of any partially-exempt record. Va. Code § 2.2-3704(B). VMI has never explained the structure or pagination of this document, nor why a properly-trained redactor could not produce a meaningful non-personnel portion. On information and belief, VMI did not disclose records submitted directly to the IG and/or the Superintendent, and/or the Board of Visitors, and/or other VMI officials at the time specifically for the investigation and report to the Board and the public.

21) In this action, Mr. Morris requests relief in the form of an order requiring VMI to either produce all records responsive to his request, in full and without redactions, or alternatively

in the form of an order requiring VMI to show cause why each full or partial withholding is permitted by the Code of Virginia.

FOIA REQUEST NO. 26-61: THE GOTTWALD/INMAN DEPARTURES

22) On April 27, 2026, Petitioner submitted FOIA Request No. 26-61 to VMI, seeking records for the period March 27 through April 4, 2026, concerning the departure of Mr. C. Thomas “Teddy” Gottwald (‘83) from the BOV and Col. (Ret.) James P. Inman’s (‘86) relinquishment of the BOV Presidency and other Board of Visitor actions. The request named twenty-two custodians and sought four categories of records.

23) VMI closed the request on May 13, 2026, with a partial production accompanied by a blanket invocation of Va. Code § 2.2-3705.1(10) (personal contact information). The production was structurally deficient in various ways including but not limited to:

(a) the production contained no records from BOV member Donald L. Hall, who publicly admitted he was the principal negotiator of the Gottwald and Inman departures;

(b) the production contained no records from former Governor Northam, despite Mr. Hall’s on-the-record statement that the former Governor “was more involved than anyone in this room knows other than me” nor did the production contain voice messages and/or email, and/or other messages and/or public records as defined sent to and/or received from Mr. Northam by the subjects of the Request;

(c) VMI withheld or failed to collect voicemail audio files and/or other messages despite textual references to multiple voicemails and despite having produced at least one such audio file;

(d) VMI failed to produce telephone logs and/or call records and/or other public records within the full scope of Mr. Morris’s request; and

(e) VMI unlawfully concealed the identities of non-BOV recipients on email correspondence by redacting their names from “To,” “From,” and “CC” fields.

24) On May 28, 2026, fifteen days after certifying the request complete, VMI added to the NextRequest portal additional records labeled “McKnight ’78 – Selected,” the screenshots of which bear a May 20, 2026 creation date. The belated and selective addition of records after a purportedly complete production confirms that the May 13, 2026 certification of completeness was false when it was made. On information and belief, VMI’s response to this FOIA request remains incomplete because it has not accounted for the absence of any records requested from individuals other than BOV members (indicating that VMI’s search for records was likely inadequate).

25) VMI’s own productions to Petitioner document multiple unnoticed electronic meetings of three or more BOV members in violation of Va. Code §§ 2.2-3701, 2.2-3707, and 2.2-3708.2, including:

a) **The April 17, 2026 “majority request” coordination.** On April 17, 2026, the FOIA Officer memorialized in an email captioned “April 27-29 schedule change” that eight named voting BOV members (Hall, Johnson, Joustra, McKnight, Meador, Northam, Williams, and Williamson) had coordinated, off the record and outside any noticed meeting, to compel a special meeting on April 27, 2026.

b) **The Edgar/Johnson/Williams officer-slate coordination.** Text messages produced from BOV member C. Ernest Edgar IV’s personal device evidence sustained, multi-day coordination among Mr. Edgar, Mr. Johnson, and Mr. Williams concerning the construction of a BOV officer slate, a core item of board business.

c) **The Hall/Dick/McKnight presidency coordination.** Text and voicemail traffic among BOV members Hall, Dick, and McKnight evidences sustained three-way coordination concerning

the BOV Presidency, including McKnight's April 20, 2026 text to Dick proposing to trade an Executive Committee seat and a committee chairmanship in exchange for ceding the presidency: "Lester . . . is going to nominate me for President." McKnight followed up on April 23 ("Any final thoughts on our discussion?") and on April 27 warned: "TG [Gottwald] might be off the board, but his proxies are under his influence and want to control VMI."

d) **The Williamson and Hall "Reply All" emails of April 17, 2026.** At 9:25 a.m., BOV member Tom Williamson pressed "Reply All" on the FOIA Officer's email to all BOV members and transmitted his substantive vote ("I request a special meeting per the below email.") to every BOV member on the distribution list. At 11:21 a.m., BOV member Don Hall did the same, adding a new substantive item of board business: "I also request we elect a new Executive Committee at that meeting." Each "Reply All" transmitted substantive positions on Board business simultaneously to every BOV member on the distribution list, thereby constituting or contributing to an unnoticed "meeting" within the meaning of Va. Code § 2.2-3701.

26) Under Virginia law, the dispositive inquiry for whether electronic communications constitute a "meeting" under FOIA "is the feature of simultaneity inherent in the term 'assemblage.'" *Beck v. Shelton*, 267 Va. 482, 491 (2004). FOIA defines "meeting" to include "an informal assemblage of (i) as many as three members" of a public body. Va. Code § 2.2-3701. The Supreme Court recognized that the General Assembly "anticipated that some electronic communication may constitute a 'meeting' and some may not," and that the "key difference" turns on whether the communication is simultaneous. 267 Va. at 491; *see also Hill v. Fairfax Cnty. Sch. Bd.*, 284 Va. 306, 313 (2012) (reaffirming that "the dispositive inquiry" is "how the e-mail is used" and whether the communications possess the required simultaneity). Here, each Reply All email was transmitted simultaneously to every BOV member on the distribution list, creating, at

minimum, a fact issue as to whether the communications possessed the simultaneity and interactive character that *Beck* and *Hill* identify as the hallmark of an electronic “meeting.” No notice was given for any of these communications. No public access was provided. Any action taken as a result is voidable under Va. Code § 2.2-3714(A).

27) VMI’s BOV was aware of their open records and open meetings obligations. On April 16, 2026, the FOIA Officer wrote to all BOV members: “As a reminder, conversations among three or more board members about VMI business constitutes a public meeting that requires public notice. This includes email conversations among three or more board members. This also applies to texts and other forms of communication and includes communication on personal devices.” The Williamson and Hall “Reply All” emails described in the preceding paragraph were transmitted the very next day.

28) Additionally, the public agenda for the VMI Board of Visitors April 27, 2026 listed “9:00 AM New Board Member Orientation” with “Item 8. FOIA Briefing.” VMI’s own uploaded reference document for that training, provided to BOV members, consisted of the document “A Guide to the Freedom of Information Act for Governing Boards of Public Institutions of Higher” prepared by the Virginia Freedom of Information Advisory Council in cooperation with the State Council of Higher Education for Virginia. That document expressly instructs, *inter alia*:

“Emails that relate to public business are public records, regardless of whether a home or office computer or phone is used and regardless of whether the communication is through text or a form of social media or other electronic application. It is the content of the record, not the equipment or account that is used, that controls.”

29) As to emails and other communications between three or more BOV members, the same document stated, *inter alia*:

“For the purposes of FOIA, a public meeting of a board is any gathering, including work sessions, of the constituent membership of the board convened physically or through electronic communication means pursuant to § 2.2-3708.2 or 2.2-3708.3 where the

members discuss or transact public business of the board. This meaning applies: ... To the board or to an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership...

30) Additionally, on September 22, 2025, VMI General Counsel Patrick O’Leary delivered formal FOIA training to the full Board,¹ at which he included written instructions that there was to be “No discussion of VMI business among three or more members outside of noticed meetings.” Mr. O’Leary continued: “This includes emails among three or more members. Please do not ‘Reply All’ when receiving an email from VMI.”

31) The FOIA training materials described above are relevant evidence of Respondents’ knowledge of FOIA’s requirements and are probative of willful and knowing conduct under Va. Code § 2.2-3714(A).

ADDITIONAL VIOLATIONS

32) On February 6, 2025, VMI’s FOIA Officer directed his subordinate, Mr. Matthew Tyree, to refuse a professional process server entry to three open committee meetings of the BOV (the External Relations, Nominations & Governance, and Appeals Committees), falsely representing that the meetings “were not open to the public.” The process server, Mr. Charles D. Sheffer, Jr., a professional process server and the owner of Shenandoah Civil Service, LLC, had been retained by Petitioner to hand-deliver written public comments to each committee. Mr. Sheffer will testify that he arrived at Smith Hall early to ensure that he could make all the deliveries before the meetings began. He will testify that Mr. Tyree, acting on the FOIA Officer’s direction, told him that he would not be allowed in, that the Committee meetings were not open to the public

¹ On information and belief, additional training was provided later for members of the BOV who were not serving on September 22, 2025.

and that [he would] have to have a badge to get in. Mr. Tyree's actions in preventing access to a public meeting (or what lawfully should have been a public meeting) were unlawful.

33) Contrary to what Mr. Tyree told Mr. Sheffer, the FOIA Officer's own January 21, 2025 Public Notice expressly declared those meetings "open to the public." No closed-session motion under Va. Code § 2.2-3712 had been made for any of those committees. The exclusion violated FOIA's guarantee of "free entry," which the Supreme Court of Virginia has construed as "the ability to make an unobstructed physical entrance into a meeting without the imposition of other duties or obligations." *Suffolk City Sch. Bd. v. Wahlstrom*, 302 Va. 188, 199 (2023). The FOIA Advisory Council reached the same conclusion on materially indistinguishable facts in AO-02-13 (March 20, 2013), where members of the public were turned away from an open meeting of a public university's board of visitors.

34) The exclusion directly aggrieved the Petitioner. Mr. Morris had prepared written public comments for delivery to each committee and each member on those committees. The BOV Administrative Assistant and FOIA Officer's subordinate refused to permit their delivery and falsely represented that the meetings were closed. That same evening, the FOIA Officer sent an email to Petitioner, copied to every member of the Board of Visitors, containing statements that Mr. Sheffer's proffered testimony directly contradicts, including the claim that Mr. Sheffer indicated that he was told to disrupt the committees. These false statements, disseminated to the full Board, served to retroactively justify the unlawful exclusion and to disparage the Petitioner's legitimate exercise of his right to participate in open government.

35) Between July 18 and August 9, 2023, VMI's FOIA Officer altered the NextRequest portal record for FOIA Request No. 23-66 to substitute the anonymous descriptor "Staff" for the original entry identifying "Bill Wyatt on behalf of Lisa Rowan." An independent third party, Mr.

Howard Eugene (“Gene”) Rice, Jr. (VMI ’74), preserved before-and-after printouts and transmitted them to the BOV President on August 9, 2023.

36) The alteration of this record is significant because it conceals the FOIA Officer’s personal participation in entering a FOIA request on behalf of an outside journalist, which raises questions about whether the FOIA Officer was giving preferential treatment to particular media outlets.

37) The original record showed, on its face, that the FOIA Officer of the very public body holding the responsive records had personally entered the request on behalf of an outside requester and prior to entering the request had already deliberately created a shared folder of records and offered them to a requester and then created the FOIA request (reversing the ordinary order by which responsive documents are compiled and released after, rather than before, a FOIA request is received).

38) The altered record suppresses that institutional conflict by attributing the entry to nameless “Staff.” Only NextRequest portal administrators can make such edits, and the alteration occurred within three weeks of the FOIA Officer’s receipt of notice that his email traffic with Ms. Rowan had been produced under a separate FOIA request. The original portal entry was itself a public record subject to FOIA, and the altered version is what was made available to subsequent requesters. The alteration therefore constitutes a violation of Va. Code § 2.2-3714(B), which imposes individual-capacity civil liability on any officer who “altered or destroyed the requested public records with the intent to avoid the provisions of this chapter.” The FOIA Officer altered a requested public record before expiration of the applicable retention period and with the intent to conceal his own role, thereby satisfying each element of § 2.2-3714(B).

39) In each of the foregoing instances, Petitioner has requested records that are not exempt from production under VFOIA. In the alternative, even if the requested records were exempt, VMI has not complied with the mandatory procedures of VFOIA, including but not limited to the following statutory requirements:

a) Va. Code § 2.2-3704(B)(2) (requiring that when records are withheld in part, the public body's response "shall identify with reasonable particularity the subject matter of withheld portions, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records");

b) Va. Code § 2.2-3704(C) (providing that "the public body shall make reasonable efforts to reach an agreement with the requester concerning the production of the records requested");

c) Va. Code § 2.2-3707(D) ("Every public body shall give notice of the date, time, location, and remote location, if required, of its meetings by" various statutory means); and

d) Va. Code § 2.2-3707(C) ("No meeting shall be conducted through telephonic, video, electronic, or other electronic communication means where the members are not physically assembled to discuss or transact public business, except as provided in §§ 2.2-3708.2 and 2.2-3708.3.").

40) Under Va. Code § 2.2-3713(D), a single instance of denial of the rights and privileges conferred by FOIA shall be sufficient to invoke the remedies of that law.

41) VMI's pattern of violations, its shifting exemption rationales, its false certification that its responses to Petitioner's FOIA requests were complete, its alteration of public records, and its exclusion of the public from open meetings demonstrate a willful and knowing course of conduct. Va. Code §§ 2.2-3714(A), (B).

42) Similarly, the individuals whose actions are at issue here demonstrate a willful and knowing course of conduct. Without limitation, it is alleged that:

a) the BOV members who are among the respondents created and maintained VMI records on devices that were personally owned, and did not maintain records elsewhere;

b) the aforementioned individuals did not turn over copies of records responsive to Mr. Morris's FOIA requests either to him or to VMI;

c) VMI's FOIA Officer altered VMI records to conceal that he created a FOIA request only after he had generated a FOIA response, manufacturing the appearance that records were released pursuant to a FOIA request when in fact they were released of his own volition.

Prayer for Relief

WHEREFORE, the Petitioner respectfully prays, through counsel, that this Court,

a) Order VMI to produce the records requested by the Petitioner in FOIA Request No. 26-37 (the privatization study), in full, or alternatively to show cause why any discrete record or part thereof may not be produced pursuant to any applicable VFOIA exemption and to submit such records for *in camera* inspection;

b) Order VMI to produce the records requested by the Petitioner in FOIA Request No. 26-56 (the Inspector General report), in full, or alternatively to produce redacted versions of such records with only genuinely exempt personnel information removed, and to submit the unredacted records for *in camera* inspection;

c) Order VMI to search for records anew and otherwise re-process FOIA Request No. 26-61, including by collecting responsive records from every BOV member and/or other custodian named in the request, including from any personally-owned devices used to conduct public business, and to produce all responsive records with only genuinely exempt personal contact

information redacted, including but not limited to the complete, unredacted records of Donald L. Hall, former Governor Ralph S. Northam, and Terence E. McKnight and their staffs or agents;

d) Declare that the multi-member electronic meetings described herein constituted unlawful, unnoticed meetings in violation of Va. Code §§ 2.2-3701, 2.2-3707, 2.2-3708.2, and 2.2-3708.3;

e) Order VMI, pursuant to Va. Code § 2.2-3713(D), to pay Petitioner's reasonable costs and fees, including attorney's fees, associated with this instant matter;

f) Order that Respondents William J. Wyatt, Jr., Donald L. Hall, Thomas Williamson, Lester Johnson Jr., Damon Williams, Col. Michael Dick, Matthew Tyree, and Terence E. McKnight shall each pay a civil penalty under Va. Code § 2.2-3714(A), in their individual capacities, in an amount to be set by this Court of not less than \$500 nor more than \$2,000 for a first offense and not less than \$2,000 nor more than \$5,000 for each subsequent offense, payable to the State Literary Fund;

g) Order that Respondent William J. Wyatt, Jr. shall pay a civil penalty under Va. Code § 2.2-3714(B) for the alteration of public records, in an amount not to exceed \$100 per record;

h) Require VMI to ensure that all records at issue herein which relate to the transaction of public business but which have been permitted to fall into the custody of individuals are returned to and placed in the custody of VMI and notify the Court and Petitioner of the source, subject, and content of those records when completed;

i) Issue an appropriate injunction under Va. Code § 2.2-3713 requiring that all Respondents, their staffs and/or agents maintain and use official VMI emails, cell phones, and other devices for all official business and conduct BOV business exclusively through their official @vmi.edu email accounts and VMI issued electronic devices, not any personal devices, or

alternatively ensure that records are immediately and contemporaneously provided to VMI to the extent they are generated on a device to which VMI does not have access;

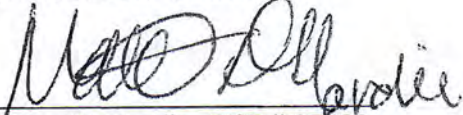
j) Order such necessary and proper injunctive relief or any other relief as this Court deems just and proper.

Respectfully submitted this the 1st day of June, 2026,

ROBERT C. MORRIS, JR.

By Counsel:

HARDIN LAW OFFICE



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Affidavit of Good Cause (See Va. Code § 2.2-3713(A))

Having reviewed the statements set forth above and having discussed the matters set forth herein with my attorney, pursuant to Va. Code § 8.01-4.3, I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.



ROBERT C. MORRIS, JR.

5/31/2026
DATE

Certificate of Service

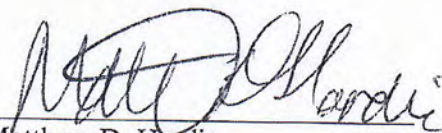
I hereby certify that I have served a copy of the foregoing Petition via First Class Mail, postage prepaid, which was deposited into the U.S. Mail with First Class postage prepaid on 6-1-26, addressed to the following individuals:

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