

**TOWN OF PURCELLVILLE
EMPLOYEE GRIEVANCE PANEL**

In re: CARL BENJAMIN NETT,

Employee.

UNANIMOUS DECISION¹

This matter came before the Town of Purcellville Employee Grievance Panel (“Panel”) for a hearing on June 25, 2025 (“Hearing”) concerning the termination of Mr. Carl Benjamin Nett (“Grievant” or “Nett”) from the Town of Purcellville Police Department (“Department” or “Town”) on or about April 4, 2025. In accordance with the grievance procedures set forth in Town of Purcellville Employee Handbook (“Handbook”)² and Va. Code Ann. § 15.2-1507, the Panel makes the following unanimous decision:

I. DID THE EMPLOYEE ENGAGE IN THE BEHAVIOR DESCRIBED IN THE WRITTEN NOTICE?

No. Based on the greater weight of the evidence, Mr. Nett did not engage in the behavior described in the written notices from the Department to allegedly justify his termination. Interim Police Chief, Ms. Sara Lombrana’s, April 4, 2025 Notice of Dismissal / Termination³ identifies five (5) primary grounds for terminating Mr. Nett: (A) attendance at a January 10, 2025 “Agenda Planning Session” for the Town Council between 8:00 a.m. to 9:00 a.m. while in uniform and marked out for “directed patrol”; (B) Mr. Nett’s alleged abuse of sick leave when he attended the

¹ This version corrects typographical errors concerning the date of the Planning Session on January 10, 2025. The earlier version of this Unanimous Decision is hereby rescinded and this Unanimous Decision shall take its place.

² Town Exhibit 2.

³ Ms. Lombrana’s April 4, 2025 Notice of Dismissal also incorporates her two memoranda titled “Advanced Notice of Discipline” dated February 21, 2025. *See* Town Ex. 8 (Grievance Record, Notice of Dismissal / Termination (April 4, 2025) (“Copies of those February 21 Memorandums [sic] are enclosed and are incorporated into this Memorandum.”)).

Virginia Municipal League (“VML”) conference on January 29-30, 2025 in Richmond; (C) alleged failure to cooperate with the Prince William County Internal Investigation (“IA Investigation”) into Mr. Nett concerning his attendance at the VML conference and attendance at the January 10, 2025 planning conference; (D) failure to “to submit a doctor’s note to resume work following three consecutive days of sick leave” for February 8-9, 12th and/or 13th; and (E) being placed on the Brady / Giglio list by Mr. Robert Anderson, the Commonwealth’s Attorney for Loudoun County. In connection with these five (5) grounds, the Town has suggested in letters and during the Hearing that Mr. Nett’s conduct is tantamount to lying, insubordination, and other types of dishonesty. The Town went so far as to suggest that Mr. Nett should be terminated for emailing, rather than calling, his supervisor based on issuance of a November 26, 2024 memorandum circulated by Lt. Michael Holman, which does not appear in the Department General Orders, the Handbook, or elsewhere as a formal requirement. As explained below, no allegation made by the Town in writing or otherwise is supported by the evidence.

A. JANUARY 10, 2025 “AGENDA PLANNING SESSION”

The Town alleges that based on a complaint made by a Purcellville resident, Mr. Nett attended an agenda planning session on January 10, 2025 between 8:00 a.m. and 9:00 a.m. in connection with his role as a member of the Town Council while on duty as a Purcellville Police Officer. It is undisputed that Mr. Nett “marked out” as on directed patrol for the hour he spent at the planning meeting. Town Exhibit 13 shows Mr. Nett at Town Hall, in uniform, with his work computer open in front of him.

The Town argues that Mr. Nett being in uniform while at the meeting indicates some sort of malfeasance. To the contrary, the Panel finds that Mr. Nett being in uniform, in public, with his computer open, and his radio on demonstrates that Mr. Nett was being open and transparent about his attendance. It shows that he believed he was doing nothing wrong. Had Mr. Nett

believed he needed to conceal his attendance, Mr. Nett would not have been so obvious about his attendance. Moreover, the fact that Mr. Nett is in his uniform, with his computer open in front of him, and with his radio on indicates that he was ready to respond to any emergency that might arise while he was on directed patrol.

Importantly, the Town does not have a policy for how, when, and what responsibilities a police officer has when on directed patrol. On cross-examination, Lt. Holman admitted that there was no formal policy about directed patrol and that, despite being Mr. Nett's supervisor, never trained Mr. Nett about proper or improper usage of directed patrol. Hr'g Tr. 115:13-16.⁴ The Panel heard testimony that directed patrol is appropriate when taking lunch or running other types of errands while on duty so long as the officer remained on call and available to immediately respond. Hr'g Tr. 14:22-15:15. Without a formal policy or any training whatsoever about directed patrol, it is impossible to find that Mr. Nett's actions on January 10, 2025 constituted a violation.

Furthermore, the Panel finds that the Department should have implemented clear policies and procedures governing Mr. Nett's dual role as police officer and Town Councilman. Contrary to the Town's suggestion, the Panel finds that it was incumbent upon the Department—not Mr. Nett—to implement appropriate policies and procedures to address this unique situation. This could and should have been done by Lt. Holman, Ms. Lombrana, or other supervisors.

B. "SICK LEAVE" FOR THE VML CONFERENCE, JANUARY 29-30, 2025

The Town alleges that Mr. Nett lied and was not "sick" when he took sick leave and attended the VML conference on January 29-30, 2025. All of the Town's evidence in support of this allegation stems from one person, Ms. Erin Raynor, a member of the Town Council and

⁴ See Partial Hearing Transcript, June 25, 2025 ("Hearing Transcript") 115:13-16 (Q [MR. COOK]: Okay. Have you ever provided training to your subordinate officers on what directed patrol is? A [LT. HOLMAN]: I have not, no.).

member of the opposite political faction of Mr. Nett. Ms. Raynor testified that she saw Mr. Nett in Richmond on the evening of January 29th and that he was talking on the phone and drinking a drink. She acknowledged that she could not hear him speaking, but saw him speaking. On January 30, 2025, Ms. Raynor testified that she spoke with Mr. Nett at approximately 2:30 p.m. for five minutes and that he seemed “fine.” It is also significant to the Panel that Ms. Raynor was interviewed by the Prince William Police Department in connection with its IA investigation. In a serious factual deficiency, the Town failed to produce any report from the Prince William Police Department about its findings or any witness from Prince William Police Department to testify about its IA investigation. Nevertheless, the Town’s counsel stipulated during the Hearing that Ms. Raynor was the sole source for the Prince William IA investigation’s determination that Mr. Nett was not sick while in Richmond.⁵

Mr. Nett, on the other hand, explained in great detail that he was recovering from flu-like symptoms and was suffering from leg pain that prevented him from performing his duties as a police officer. Mr. Nett’s testimony was corroborated by the fact that he was driven to Richmond by his Town Council colleague, Carol Luke. Ms. Luke testified that Mr. Nett asked her to drive them to Richmond either late on January 28th or early on January 29th, which is consistent with when Mr. Nett submitted his sick leave notice. Ms. Luke testified that Mr. Nett told her that he could not drive because of pain in his knee. She also testified that he was not feeling “great” and may have been in significant pain. She also testified that Mr. Nett’s sickness could not be determined solely from visual observation. Ms. Luke testified that she, Mr. Nett, and others were mostly stationary at the VML conference.

⁵ See Hr’g Tr. 219:18-22: (“MR. WRIGHT: Do you...are you stipulating that the Prince William County finding was based on Ms. Raynor’s testimony, and that’s the only thing? MR. SPROUL: I’m willing to stipulate to that, yes.”).

Ms. Luke's testimony is also consistent with the March 19, 2025 transcript of the Pre-Disciplinary Hearing offered by the Town as an exhibit and entered into the record. *See* Town Ex. 20. The March 19, 2025 transcript is a record of Mr. Nett's version of events and contains a recitation of affidavits⁶ from the Mayor of Purcellville, Chris Bertaut, Ms. Luke, and Ms. Holly Davis, a work colleague of Ms. Luke. *Id.* The March 19, 2025 hearing took place with at least one officer from the Prince William Police Department involved with the IA investigation, First Sergeant Jessica Tacha. The March 19, 2025 hearing transcript is consistent with Ms. Luke's Hearing testimony and with Mr. Nett's Hearing testimony. Moreover, it offers additional consistent statements from Mr. Bertaut and Ms. Davis.

The Panel finds that the greater weight of the evidence shows that Mr. Nett was, in fact, sick and unable to perform his duties as a police officer on January 29-30, 2025. Mr. Nett's testimony, plus that of Ms. Luke, is corroborated by the March 19, 2025 hearing transcript which contains statements from Mr. Bertaut and Ms. Davis. The Panel found the testimony of Mr. Nett and Ms. Luke to be highly credible and consistent. Thus, the Panel has multiple pieces of evidence to support its findings that Mr. Nett was, in fact, sick and not fit for duty on January 29-30, 2025. While the Panel understands that Ms. Raynor belongs to a political faction which opposes that faction led by Mr. Bertaut, Mr. Nett, Ms. Luke, and Ms. Susan Khalil, the Panel believes that Ms. Raynor testified honestly about her observations of Mr. Nett. Nevertheless, in contrast to Ms. Luke (who drove two hours with Mr. Nett to Richmond) and Mr. Bertaut who was with Mr. Nett on January 29-30, 2025, Ms. Raynor's testimony is less reliable than the other evidence showing that Mr. Nett was suffering the ailments, to which he testified.

⁶ Because this transcript was offered by the Town and Mr. Nett did not object to its admission, the Panel understands that both parties believe its contents are true and accurate recitations of the statements made at the March 19, 2025 pre-disciplinary hearing. Neither party raised a hearsay objection to Town Exhibit 20.

The Panel, however, does not find the Prince William IA investigation, or any documents or judgments based off of it, to be credible. First, the Town failed to provide a copy of the IA investigation to the Panel. Second, what facts the Panel has about the IA investigation indicate that Ms. Raynor was the only source for its conclusions that Mr. Nett allegedly was not sick and unfit for duty while in Richmond, as stipulated by the Town's counsel at the Hearing. The Prince William investigators failed to interview any of the other individuals who were with Mr. Nett on January 29-30, 2025: Ms. Luke, Mr. Bertaut, and Ms. Khalil. This failure to consider evidence other than Ms. Raynor's statements show that the Prince William IA investigation at best, was not sufficiently thorough to be reliable. The Panel makes no finding about the motives of the Prince William County officers involved with conducting the IA investigation or preparing the IA report.

C. ALLEGED FAILURE TO COOPERATE WITH THE PRINCE WILLIAM COUNTY INTERNAL INVESTIGATION

The Town alleges that Mr. Nett refused to participate in the IA investigation concerning his taking sick leave to attend the VML conference and the January 10, 2025 planning conference as described above. Based on the evidence presented at the Hearing, the Panel can only identify a single instance, February 7, 2025, when Mr. Nett was asked to comply with the Prince William County investigation. Ultimately, the Panel finds that Mr. Nett did meet with Prince William County Officers on March 19, 2025 and satisfied his obligations to do so. *See* Town Exhibit 20 (March 19, 2025 Pre-Disciplinary Hearing).

While there is no doubt that Mr. Nett's participation was late, the Panel finds that there were several extenuating circumstances that justify his late participation. First, Mr. Nett went on sick leave the following day, February 8, 2025. *See* Town Exhibit 23 (Nett Feb. 8, 2025 Email). Mr. Nett testified, and Lt. Holman confirmed during his testimony, that Mr. Nett transmitted an email to Lt. Holman that Mr. Nett would be on sick leave until approximately February 28, 2025.

In support of his sickness and otherwise not being fit for duty for an extended period of time, Mr. Nett provided convincing testimony that he felt targeted by Department personnel because of his dual role as police officer and a Town Councilman. Among other things, Mr. Nett cited an IA investigation due to his alleged failure to turn on his body camera when responding to a call about a dog locked in a car and when he arrived the situation was resolved, thus obviating any need to turn on his body camera. Mr. Nett also testified that he felt he was under increased scrutiny. A prime example of this is when Lt. Moskowitz interviewed Mr. Nett in connection with a complaint made by Mr. Nett's political opponent, John Mark Gardner of alleged "intimidation." Despite the complaint having clear political implications, Mr. Nett testified that Lt. Moskowitz placed Mr. Nett in a witness room, took his service weapon, videotaped Mr. Nett, and asked Mr. Nett if he planned on staying with the Department now that he had been elected to Town Council. The day before the election, November 4, 2024, Mr. Nett was subjected to a "random" drug test. While the Panel makes no finding that the random drug test was improper, it is reasonable for Mr. Nett to feel targeted under the circumstances. Following the election, Ms. LaDonna Snellbaker told Mr. Nett that he was not allowed to be a police officer and a member of Town Council and asked him to resign. It is also significant that in July 2024, after Mr. Nett had announced his candidacy for Town Council, the Handbook was changed to prohibit Mr. Nett from simultaneously serving as a member of town council and as a police officer.⁷ Mr. Nett also testified that he felt targeted because his political opponent's campaign signs were placed in front of the Department headquarters. While it is true that the Department does not own the complex in which it is situated,

⁷ The legal issue as to whether Mr. Nett is able to simultaneously serve as a Town Council member and as a police officer under Virginia law is disputed by the parties. However, as it is not a grounds for Mr. Nett's termination, the Panel does not decide the issue. It is significant, however, that Mr. Nett testified that he decided not to resign based on a legal opinion from COIA (State and Local Government Conflict of Interests Act). Mr. Nett did not move his correspondence with COIA into evidence. Thus, the Panel relied solely on Mr. Nett's testimony about this issue.

the Panel finds that this factor, reasonably contributed to Mr. Nett's feeling of being targeted at the Department. The Panel finds that these factors above, combined with the IA investigations into his VML trip and the January 10, 2025 planning meeting, and the subsequent memoranda, suspensions, and other actions taken in quick succession by the Department reasonably support Mr. Nett's feeling that he was being targeted at work. Mr. Nett testified that he was ill and unable to perform his duties because of the pressure(s) and targeting that he had experienced since his election to Town Council. The Panel finds Mr. Nett's testimony credible and factually unchallenged by the Town.

Second, Mr. Nett's delayed participation was justified because the Town Manager, Kwasi Fraser, testified that he "recommended" and gave "advice" to Mr. Nett not to participate in the IA investigations from Prince William County because Mr. Fraser had not authorized them. Putting aside the legal issue of whether or not Chief Lombrana improperly opened the IA investigation, the Panel finds it significant that he received a "recommendation" and "advice" from the Town Manager—Chief Lombrana's superior—not to participate because the investigation was not authorized.

Accordingly, the Panel finds that Mr. Nett ultimately *did* participate with Prince William County's IA investigation and that his delayed participation was justified based on both his illness arising from being targeted as a police officer by the Department and the recommendations and advice from the Town Manager not to participate in the AI investigations. The Panel finds that given the circumstances, Mr. Nett could reasonably attend a Town Council meeting on the evening of February 13, 2025 and still be sick and otherwise not fit for duty as a police officer.

D. ALLEGED FAILURE TO SUBMIT A DOCTOR’S NOTE FOR FEBRUARY 8-9, 12, 2025

On February 8, 2025, Mr. Nett informed the Department that he would be on sick leave “until further notice.” Town Ex. 23 (Nett Email Feb. 8, 2025). On Thursday, February 13, 2025, Lt. Holman transmitted a memorandum to Mr. Nett directing him to provide “a physician’s statement” “by Monday, February 17, 2025, your next scheduled work day.” Town Ex. 8 (Grievance Record, Holman Mem. Feb. 13, 2025). Mr. Nett testified, and Lt. Holman confirmed in his testimony, that Mr. Nett transmitted an email to Lt. Holman on Sunday, February 16, 2025 informing Lt. Holman that Mr. Nett would be on sick leave through approximately February 28, 2025.

It is undisputed that Mr. Nett would have to provide a doctor’s note concerning his sick leave absence before he returned to work for his planned extended absence in February 2025. Section 6.7(B) of the Handbook states that:

A physician's statement is required for a period of sick leave of three (3) days or more and must be given to the employee’s supervisor with a copy sent to Human Resources. Employees failing to provide documentation will not be permitted to return to duty until property medical documentation is obtained.

Thus, the Handbook requires Mr. Nett to provide a doctor’s note before returning to work. The Handbook does not require Mr. Nett to provide a doctor’s note while he is sick, ill, or otherwise not fit to perform his duties as a police officer. The Handbook also does not state that failure to provide a sick note constitutes “insubordination.” Rather, the Handbook simply prevents an employee, such as Mr. Nett, from returning to work until such time as he provides a doctor’s note.

In that regard, the Panel finds that Lt. Holman’s requirement that Mr. Nett provide a doctor’s note by February 17, 2025—within a period when Mr. Nett stated that he would be on sick leave—to be in violation of the Handbook. Moreover, Mr. Nett did not ignore Lt. Holman’s

February 13, 2025 memorandum. On February 16, 2025, Mr. Nett informed Lt. Holman that he remained ill and would be returning to work on February 28, 2025. The Panel also finds that the time period which Lt. Holman required for Mr. Nett to provide a doctor's note to be unreasonable. The Panel heard testimony that Lt. Holman's February 13, 2025 memorandum was delivered to Mr. Nett after the February 13, 2025 Town Council meeting, at approximately 8 p.m. Thus, Mr. Nett was provided with two working days—February 14th (Friday) and February 17th (Monday) by which to obtain a doctor's note. The Panel finds the time frame to be patently unreasonable considering the circumstances of this case. The following day, Lt. Holman transmitted a memorandum dated February 18, 2025 placing Mr. Nett on administrative leave for failing to provide a doctor's note and "insubordination." *See* Town Exhibit 8 (Grievance Record, Holman Mem. Feb. 18, 2025).

Accordingly, the Panel finds that Mr. Nett was not required to provide a doctor's note until he returned to work according to the terms of the Handbook and that Lt. Holman's providing of only two (2) business days for Mr. Nett to provide the note was unreasonable. Before Mr. Nett could provide the note in accordance with the terms of the Handbook, he was placed on administrative leave by Lt. Holman and he never returned to work. Therefore, no note was required.

E. PLACEMENT ON THE BRADY / GIGLIO LIST

Chief Lombrana's April 4, 2025 Memorandum terminating Mr. Nett cited his "being placed on the Brady / Giglio List ("Brady List") make it such that you [Mr. Nett] are no longer suited for employment as a Police Officer within this department..." *See* Town Ex. 8 (Grievance Record, Lombrana Mem. Apr. 4, 2025). On February 24, 2025, the Commonwealth's Attorney for Loudoun County, Virginia, Bob Anderson, transmitted a letter to acting Chief Lombrana, which placed Mr. Nett on the Brady List. The Panel heard testimony that placement on the Brady

/ Giglio list is effectively a death sentence for police officers because it renders them unable to testify in court.

Mr. Anderson's February 24, 2025 letter identified three grounds for placing Mr. Nett on the Brady List: (1) his attendance at the VML conference when Mr. Nett allegedly was not sick; (2) Mr. Nett's failure to provide a doctor's note for his absences on February 8-9, and 13, 2025 while Mr. Nett attended a Town Council meeting on the evening of February 13th; and (3) for attending the planning meeting on January 10th having marked on out "directed patrol." For the reasons set forth above, the Panel has determined that Mr. Nett was truthful and justified in taking all of the actions alleged in Mr. Anderson's February 24, 2025 Brady List letter. The Panel is unaware of the evidence that Mr. Anderson considered when making his determination that Mr. Nett should be on the Brady List; however, it is clear to this Panel that Mr. Nett was not guilty of any malfeasance in connection with the events listed in Mr. Anderson's Brady List letter.

Furthermore, being placed on the Brady List does not require termination from the Department. The Panel heard testimony that while being on the Brady List may prevent Mr. Nett from being able to testify in criminal matters, the Panel also heard testimony that being placed on the Brady List would not prevent such an officer from performing non-testimonial, valuable functions for the Department. Accordingly, the Panel finds that Mr. Nett's placement on the Brady List, alone, does not justify his termination.

F. OTHER ISSUES

To the extent that the Town suggests that there are other issues justifying its termination of Mr. Nett not mentioned above, the Panel has considered them and finds that the Town did not provide sufficient evidence to justify its termination of Mr. Nett in writing or through oral evidence at the Hearing. For example, to the extent that the Town contended that Mr. Nett should have followed Lt. Holman's November 26, 2024 memorandum (Town Ex. 15) directive to call rather

than email when taking sick leave, the Panel finds that it was unreasonable for Mr. Nett to be required to do so. Lt. Holman testified that he issues approximately 30 similar memoranda each year, which officers are required to follow. The result is a byzantine system of letters which could number in the hundreds in a short period of years. To the extent that the Department had an official policy for notification for sick leave, the Department could and should have updated its General Orders, which it does from time to time for other issues. *See, e.g.*, Town Ex. 3 (General Orders § 135 (Updated Nov. 6, 2024)). The Town failed to provide evidence that Lt. Holman is empowered to change formal Department policy at his whim. Regardless, while the Panel takes no position about his ability to issue a policy directive to the Department, the Panel finds that failure to call rather than email is insufficient to rise to the level of a violation of Department rules and regulations.

II. DID THE EMPLOYEE’S BEHAVIOR CONSTITUTE MISCONDUCT OR WAS IT IN VIOLATION OF THE LAW?

No. Based on the evidence presented to the Panel at the Hearing and for the reasons set forth above, the Panel finds that Mr. Nett’s actions did not constitute misconduct and did not violate the law. To the contrary, as explained below, the Panel finds that Mr. Nett experienced targeting based on his roles as police officer and Town Councilman.

III. WAS THE DEPARTMENT’S DISCIPLINE CONSISTENT WITH LAW AND POLICY AND WAS THE DEPARTMENT’S DISCIPLINE REASONABLE?

No. Even assuming that Mr. Nett violated some Department rule, memorandum, or policy—which this Panel does not find—the Department’s disciplinary steps were in violation of the Handbook and Department General Orders. The Handbook requires that discipline be “imposed fairly and impartially, and shall be proportional to the seriousness of the issue being addressed.” Town Ex. 2 (Handbook § 13.1). The Department’s General Orders further state that “[t]he severity of the disciplinary action will be determined by the severity of the misconduct.

Generally, the severity of the discipline progressively increases with repeated or multiple infractions.” *See* Town Ex. 3 (General Orders § 126.1.4). Both the Handbook and General Orders contain a progressive scale of discipline which starts with several levels of: (1) oral counseling; (2) oral reprimand; (3) written reprimand; (4) suspension; and (5) disciplinary demotion; and (6) dismissal.

Testimony from Lt. Holman and Chief Lombrana demonstrated that they failed to follow the progressive and proportionate disciplinary requirements in violation of both the Handbook and the General Orders. *See* Hr’g Tr. 143:8-146:4; 234:19-235:21. For example, documentary evidence shows that Lt. Holman jumped immediately to administrative leave when Mr. Nett allegedly failed to provide a doctor’s note for sick leave. Interim Chief Lombrana testified that failing to get a doctor’s note a single time was sufficient “insubordination” to justify termination. Hr’g Tr. 235:15-21. Even if the Town were able to establish by the greater weight of the evidence that Mr. Nett violated a policy or procedure, which it did not, any such violation would be *de minimus*, justifying an oral reprimand or at worst a written reprimand. The Town’s actions with respect to Mr. Nett were unreasonable.

IV. DO MITIGATING OR AGGRAVATING CIRCUMSTANCES EXIST?

Yes. Even if the Town had provided sufficient evidence to find that Mr. Nett violated a Town or Department policy or rule, which the Panel does not find, the Panel finds that the Department applied discipline against Mr. Nett in an inconsistent manner and with an improper motive.

A. THE DEPARTMENT APPLIED DISCIPLINE IN AN INCONSISTENT MANNER

The difference in the application of discipline between Mr. Nett, Lt. Holman, and Chief Lombrana demonstrates that the Department metes out discipline in an uneven fashion. Chief

Lombrana admitted in her testimony that she willfully refused to reinstate Mr. Nett after having been directed to do so by her superior, the Town Manager, Mr. Fraser. Ms. Lombrana stated:

Q [Mr. Cook]: Okay. So, under the police general orders, you're required to obey instructions from a supervisor; aren't you?

A [Lombrana]: Sure.

Q: You're a police officer, right, Chief?

A: I am.

Q: So you're required under the general orders to follow the town manager's instructions; correct?

A: Sure.

Q: And you disobeyed the town manager's instructions?

A: I didn't feel that I should.

Q: Right. So you disobeyed his instruction because you didn't feel like...

A: Okay. We'll go with that.

Q: Am I right?

A: Sure.

Hr'g Tr. 212:14-213:9.⁸ With this admission, Chief Lombrana's cavalier refusal to follow the orders of the Town Manager constitutes, at least, continued and ongoing insubordination and should be of grave concern to Town residents. *See* Town Ex. 3 (General Orders, Regulations § E-1 ("Except as otherwise stated herein, defiance of lawful authority or disobedience to orders constitutes insubordination.")); *id.* (General Orders, Regulations § A-8 ("An employee shall know the relative positions in the structure; to whom the employee is immediately responsible; and those persons who are accountable to the employee.")). According to Interim Chief Lombrana's testimony, insubordination is automatic grounds for termination. Hr'g Tr. 234:18-19 ("That's insubordination, which is automatic grounds for termination."). Also, as stated above, Chief

⁸ *See also* Hr'g Tr. 211:18-212:1 (Q [Mr. Cook]: Did the town manager direct you to reinstate Officer Nett during the pendency of the investigation? A [Lombrana]: Yes. Q: Did you do that? A: No.).

Lombrana and Lt. Holman failed to follow the progressive and proportional disciplinary requirements in the General Orders and the Handbook. Yet, despite these serious violations, to date, it appears that no action has been taken against either Chief Lombrana or Lt. Holman.

Mr. Nett was terminated and placed on the Brady List for minor, disputed alleged violations. The actions taken against Mr. Nett have serious, life-long implications for him and his family. At the same time, supervisors in the Purcellville Police Department display insubordination to superiors and ignore important disciplinary regulations. In Interim Chief Lombrana's case, her disregard for the Town Manager's order to reinstate Mr. Nett was flagrant and ongoing, yet she has faced no punishment. Interim Chief Lombrana displayed the worst type of leadership—one set of rules for rank and file officers and a different set of rules for higher ranking supervisors.

B. THE DEPARTMENT'S ACTIONS WERE POLITICALLY MOTIVATED

The Town opened its case by calling Mr. Nett as its first witness and examining him about his campaign for Town Council in 2024 and by presenting exhibits showing campaign-related documents from Mr. Nett and his slate of running mates for Town Council. The Panel heard evidence from nearly every witness that Town politics are dysfunctional. As explained below, the Panel finds that these political divides motivated the Department to terminate Mr. Nett because of his election to Town Council and campaign promises for reorganization of the Police Department—including elimination of Chief Lombrana's then Deputy Chief position. Hr'g Tr. 66:8-15; 196:1-9.

Chief Lombrana's testimony was evasive, argumentative, contentious, and inconsistent. Her demeanor was arrogant and disrespectful to the Panel which contributed to the Panel giving little probative weight to her testimony. Significantly, however, in a particular moment of candor, Chief Lombrana admitted that the process against Mr. Nett involved politics. *See* Hr'g Tr. 167:1-

2, 4-5 (“I mean, we’re here, right? I mean, there’s...no secret that politics are involved.”). Chief Lombrana then attempted to recant but then admitted to her statements after Panelist Buss asked to have her comments read back by the court reporter:

WITNESS (Lombrana): I did say that. That’s...that is why we’re here.

MR. WRIGHT: That’s really serious...

MR. BUSS: Yeah.

MR. WRIGHT: Ms. Lombrana.

WITNESS: It’s Chief Lombrana, actually, and I really don’t like the way you’re trying to trip me up.

MR. WRIGHT: I’m not tripping...

WITNESS: I know...

MR. WRIGHT: Its your testimony.

WITNESS: I know what I said. And I said, we’re here because he’s a council member and he’s also an officer. We wouldn’t be having conversations about council if he wasn’t a council member - - that’s not a secret.

* * *

MR. WRIGHT: I don’t think you’re appreciating what you just said, Chief, that we wouldn’t be sitting here if he wasn’t on the town council.

Hr’g Tr. 168:1-16; 168:21-169:2. Chief Lombrana shouted over the Panel when it tried to ask questions. *Id.* 168:21-169:22. When the court reporter read Ms. Lombrana’s words back to her, Ms. Lombrana again tried to equivocate:

WITNESS: (To the Court Reporter) Did I say that, that he was terminated because of politics?

COURT REPORTER: I asked you why you felt that she...because of the nature of Mr. Nett’s role as a police officer and a council member...

WITNESS: Go back...

COURT REPORTER: That’s why we’re here, right? I mean, that’s what would be. There’s no secret politics are involved.

WITNESS: Politics are involved in the fact that we’re investigating an internal affairs investigation that has to do with the police

department. It has to do with Officer Nett, not town council member Nett, okay? And the waters are very muddy here.

Id. 170:7-22. Chief Lombrana's admissions and demeanor discredit the process against Mr. Nett and undermine the Department's professionalism.

Furthermore, Chief Lombrana testified that she had several years of investigative police experience, yet she failed to conduct a thorough investigation into the circumstances. Hr'g Tr. 227:21-228:1. For example, Chief Lombrana did not interview Mayor Bertaut, Councilwoman Luke, Councilwoman Khalil, or other individuals that were in close proximity to Mr. Nett at the VML conference. Moreover, Chief Lombrana testified that she relied entirely on the findings of the Prince William IA investigation report, which the Town's counsel stipulated used Councilwoman Raynor as its single source for the VML conference issue. Also, based on this underdeveloped report, Chief Lombrana testified that she informed Bob Anderson's office of the allegations against Mr. Nett before any adjudicatory body had an opportunity to determine the veracity of the allegations. In short, Chief Lombrana acted as judge, jury, and executioner for Mr. Nett by prematurely informing Mr. Anderson's office of the allegations against him:

Q [Mr. Cook]: Okay. So at the time that you contacted Commonwealth's Attorney Anderson, you understood that part of what you were asking Anderson to do, was determine whether he should put...whether Anderson should put...Nett on the Brady list; right?

A [Lombrana]: Correct.

Hr'g Tr. 189:6-12. The Panel finds that there would be no reason for Ms. Lombrana to inform Mr. Anderson's office about the allegations at this time except that she wanted Mr. Nett to be on the Brady List. Among other inconsistencies in Chief Lombrana's testimony is that she was certain Mr. Nett was lying about this sickness at the VML conference, but later testified that she could not determine whether an officer can fulfill police duties with an injured leg that prevents an officer from driving because she is not a medical professional. Hr'g Tr. 210:19-211:2.

Chief Lombrana's testimony was further undermined by her inability to specify instances when Mr. Nett allegedly lied. Hr'g Tr. 200:6-207:21; *see also id.* 202:3-8 ("Q [Mr. Cook]: But you told me he lied when he said he was sick. Tell me what information you have to indicate that he was not sick? A [Lombrana]: I don't have any."). During her testimony, she could only credibly identify his taking sick leave to attend the VML conference as a time he allegedly "lied." However, as discussed above, the evidence presented at the Hearing shows that Mr. Nett did not lie because he was sick and unfit for duty due to his knee injury. Moreover, the Prince William County IA investigation was premised only on Ms. Raynor's version of events which omitted key information that may have exonerated Mr. Nett if considered.

Another factor into the political nature of the investigation is Chief Lombrana's testimony that before she approached Prince William County to conduct the IA investigation, she approached the Fairfax County Chief of Police. Chief Lombrana testified that the Fairfax Police Chief would not conduct the IA investigation into Mr. Nett because of its clear political nature. *See* Hr'g Tr. 166:5-21; 171:13-172:10. Still more, the close proximity of Erin Raynor, a member of a rival political faction to that of Mr. Nett, with that of the office of Commonwealth Attorney Bob Anderson cannot be ignored. Ms. Raynor testified that she was formerly the campaign manager for Nicole Wittmann. According to Ms. Raynor, Ms. Wittmann is the deputy Commonwealth's Attorney for Loudoun County, a direct subordinate to Mr. Anderson. Ms. Raynor testified that she and Ms. Wittmann remain friends, but strenuously denied discussing Mr. Nett with Ms. Wittmann.

The timeline of events between when Mr. Nett was first informed about disciplinary action against him and his ultimate placement on the Brady List is of serious concern to the Panel. The Panel heard evidence of the following chronology of events:

- February 13, 2025 (Thursday): Lt. Holman transmits his February 13, 2025 memorandum to Mr. Nett requiring a doctor's note by February 17, 2025.
- February 16, 2025 (Sunday): Mr. Nett responds to Lt. Holman that Mr. Nett would be taking sick leave through February 28, 2025.
- February 18, 2025 (Tuesday): Lt. Holman transmits his February 18, 2025 Administrative Leave memorandum to Mr. Nett placing him on administrative leave and stating that "[l]ack of doctor's note constitutes insubordination."
- February 21, 2025 (Friday): Chief Lombrana transmits her First and Second Advanced Notices of Discipline to Mr. Nett and stated her intention to terminate Mr. Nett's employment.
- February 24, 2025 (Monday): The Commonwealth's Attorney for Loudoun County Virginia, Robert Anderson, transmits his letter placing officer Nett on the Brady List.

Chief Lombrana was unable to state with specificity when she received the IA investigation report from the Prince William Police Department and was further unable to state when she contacted Mr. Anderson's office about it. Mr. Anderson's office had little choice but to place Mr. Nett on the Brady List based on the information provided by Chief Lombrana which has now been shown to be incomplete and flawed.

V. CONCLUSION

The Panel appreciates the opportunity to serve the community in this important capacity. The Panel recognizes both counsel for the Town and Mr. Nett for presenting the strongest cases possible for their respective clients with the utmost professionalism.

VI. ORDER

Accordingly, for the reasons set forth above and based on the evidence presented at the Hearing it is hereby:

ORDERED, that the Town's action to terminate Mr. Nett is hereby **REVERSED**, and it is further;

ORDERED, that the Town shall reinstate Officer Nett to his former position with the Department with back pay and any applicable benefit as provided by the Handbook and applicable law; and it is further

ORDERED, that in accordance with Handbook § 14.10(H), Officer Nett substantially prevailed in this matter and: (i) the Town shall pay Officer Nett's reasonable attorneys' fees arising from and related to his termination of employment from the Town; and (ii) within fifteen (15) days following the date of this Decision, Officer Nett shall submit a petition for the award of reasonable attorneys' fees which shall include an affidavit itemizing the services rendered, time billed, and hourly rate not to exceed \$144 per hour.

SO ORDERED.

[signature page to follow]

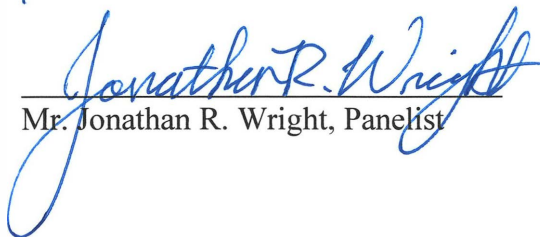
Dated: June 28, 2025



David R. Buss, Ph.D. Panel Chairman



Mr. Brian K. Wells, Panelist



Mr. Jonathan R. Wright, Panelist