

**The Marcus Family  
11811 Sumner Glen Drive  
Spotsylvania, Virginia 22551**

December 23, 2023

**VIA E-MAIL AND FACSIMILE**

Jason Miyares, Esq.  
Virginia Attorney General  
202 North 9<sup>th</sup> Street  
Richmond, VA 23209

Re: Request for Independent Review – Riverbend High School Swim Program

Dear Mr. Miyares,

I am the former Assistant Coach of the Riverbend High School, Spotsylvania, VA, Varsity Swim Program, a parent of a student-athlete member of that Program and other RHS athletic programs, a former Varsity Tennis Program Head Coach at RHS (2020-2022), and a mentor to many young student athletes in the Riverbend High School pipeline over the last several years. I am also a senior attorney and legal official with an independent Federal agency located in Washington, D.C., a former federal prosecutor, and a person who has been practicing law for over 30 years in both the public and private sectors.

I am writing you at this time, in my own behalf, on behalf of my family (and in behalf of several parents of RHS Varsity Swim Program student-athletes who, out of concern for reprisal, do not currently wish to be named openly in association with these matters), and as a fellow ‘officer of the court, ***to request that this office initiate and conduct an independent review*** of troubling matters that have led to the destruction, or near destruction, of the swim program in the middle of the VHSL season. The “destruction”, thus far, includes:

- i. The loss of both of our coaches.
  - a. Our Head Coach, Ms. Rachael Adriani, who was placed on administrative leave, *without cause*, solely because of her legitimate, documented efforts to safeguard the swimmers in our program from intense pressure, manipulation, abuse and other misconduct by a particular parent (who is very well-connected with officials in the Spotsylvania County Public School system, with apparent power to engage their efforts to advance her family’s interests) determined to influence the management and activity of the Program for her own purposes, and the utter failure of the Riverbend Athletic Department, led by Jesse Lohr, and the Riverbend administration, led by Xavier Downs, Principal (\*recently placed on leave over these matters), to address the conduct transparently, fairly and expeditiously; and
  - b. The loss of our Assistant Coach, Mr. Theodore Marcus, Esq., due to bullying, smearing, abuse and harassment by that same parent and the utter failure of the

Riverbend Athletic Department to take steps to properly address the bullying and harassment and to clear the record transparently, fairly and expeditiously;

- ii. Illicit, non-consensual, secret video-recording of several of our children. This took place in the locker room of the pool facilities at St. Michael's school in Spotsylvania -- as those children were changing their clothes to prepare for mandatory RHS swim practice and engaging in conversation -- by a student of nearby Courtland High School and participant in the Tsunami Swim (a private enterprise) also conducted at St. Michael's. The taping took place during the transitional period between the Tsunami club's practice and the RHS practice. The Courtland student-athlete taped the swimmers for the benefit of a swimmer who is the child of the parent in question. The child, in turn, shared the videorecording with her mother who, in turn, used the video to coerce or otherwise intimidate one of the male swimmers from bringing the matters forward to the RHS administration once he learned of the taping. This misconduct raises several concerns, for example
  - a. Potential criminal exposure under Virginia's ban on taping *undressing students* in restrooms or locker rooms;
  - b. Violations of privacy;
  - c. Making the locker room and the facilities for official school conduct into "unsafe spaces";
  - d. Coercion and intimidation of students from exercising their rights to bring information forward and to seek redress.
- iii. Obfuscation, lack of transparency, foot-dragging and other improper conduct by the administration, in abuse of our rights as parents and our children's rights as student-athletes to participate in a functioning, orderly, fair and safe Varsity and JV Swim Program, in response to our legitimate demands for proper handling of the matters described above and related issues;
- iv. Assaultive, threatening behavior, including material captured on video, by the principal, Mr. Xavier Downs, at a meeting demanded by the parents, in the auditorium of the school, directed at the husband of then-Coach Adriani. Due to this behavior, we parents feel there is a threat in the atmosphere around these matters and that threat is having a chilling effect on all of us and our children as we try to get answers and fairness. See [BREAKING NEWS: Riverbend Principal Xavier Downs on Leave \(substack.com\)](#);
- v. Retaliatory, dramatic and imprudent conduct by the administration in summarily placing Coach Adriani on administrative leave, including pulling her out of the beginning of an official swim practice, in full view of the student-athletes and her own small children, reducing the Coach to tears and disgrace;
- vi. Intimidation of the student-athletes by Coach Adriani's 'replacement', Ms. Christine Rogucki, including pulling team members aside during the practice she took over to ask them about comments they made, or may have made, in the locker room (or elsewhere) concerning the student-athlete who is the child of the abusive, harassing parent;

- vii. Demoralization, fracturing and unraveling of the roughly 45-member swim team into an atmosphere of mistrust, festering, fear, confusion, frustration and sadness, and without any effort whatsoever by any administration or other SCPS official or employee to care for, or attempt to care for, the mental health and well-being of the student-athletes;
- a. Instead, we have now gotten direct and highly irregular injection into these proceedings by Mark Taylor, Superintendent, well before any effort to investigate these multiple threads of activities, focusing particularly, apparently, of reinstating the swimmer of the parent at issue (instead of seeing to the broader needs of all the swimmers for safety, fairness and an atmosphere conducive to a concerted, healthy team activity). As the Free Lance Star reported, in this regard:
 

“Schools Superintendent Mark Taylor sent an email to staff and the School Board on Thursday about the swim team issues, saying there is an ongoing school system investigation ‘relating to the Riverbend High School swim team coach and assistant coach, and the handling of such matters by the Riverbend principal.’ The issue involved the coaches’ handling of the team and one swimmer who was kicked off the team. In his email, Taylor said he expects the student to be reinstated to the team ‘upon a determination that their removal was unfounded.’” See [Deputy responds to meeting at Riverbend High School \(fredericksburg.com\)](http://www.freelancestar.com/news/2016/05/20/Deputy-responds-to-meeting-at-Riverbend-High-School-fredericksburg.com)
  - b. We are concerned that Mr. Taylor is acting in behalf of the connected parent, especially given his account of an “investigation” *directed at the coaches* instead of a broader scope and construction of that investigation, as should be the case given the matters described above and other related issues. And we are especially concerned that what “investigation” is taking place, *it will not be just and fair and for the benefit of all concerned.*

As parents of the swimmers who do not enjoy the connections of the swimmer and parent at issue, at least comparatively speaking, we are intensely concerned that we are not being heard, that our concerns for our children and their coaches are not being regarded, and that an “inside job” is underway to safeguard a single parent who is connected to the SCPS establishment. We have, and should have, zero confidence that the right thing is going to be done because of the terribly managed proceedings to date, the patent unfairness and capriciousness seen thus far, the manipulation of the media around these matters, and other issues.

Accordingly, we request, on a most urgent basis, an independent and full review and accounting of these matters *by your office*, one that includes the activities of the RHS Athletic Department and the Administration in the handling of our Program, but also including the SCPS Board and the Superintendent, Mr. Taylor, as those activities relate to these matters.

Yours,

Theodore C. Marcus, Esq.

Cc (Del. Bobby Orrock, Del. John McGuire, U.S. Rep. Abigail Spanberger, VHSL Exec. Comm.)