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### Former Point principal sues Mehlville School District, Knost

Walters alleges breach of contract

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Staff Reporter

write the author

April 22, 2015 - Former Point Elementary Principal Jim Walters is suing the Mehlville School District and former Superintendent Eric Knost for breach of contract for firing Walters nearly three years ago for what Walters alleges were "false and unsubstantiated allegations of misconduct."



Jim Walters

During spring break in March 2012, then-Point Principal Walters was issued a summons by a Forest Park ranger for alleged "lewd and indecent conduct." During a trial that fall, Walters was found not guilty, as St. Louis Municipal Judge Joseph Murphy cited video evidence and lack of "clear, convincing and unrefuted testimony."

Though Walters was found not guilty, the Mehlville Board of Education had already unanimously voted to fire Walters in June 2012. The motion to fire Walters stated the principal had not responded to the district's list of charges against him in a timely manner. Walters had a right to a public hearing to defend himself against the charges, but did not ask for one.

"I reviewed the petition along with my attorney and I can comfortably say we believe the claims are completely without merit," Knost told the Call.

Oakville resident Walters filed the lawsuit early last month but served Mehlville Central Office March 24. Now-Rockwood Superintendent Knost was served with the lawsuit the next day at Rockwood Central Office in Eureka.

In the lawsuit, Walters asks for punitive damages and a trial by jury. He alleges that Mehlville and Knost had a "bias and evil motive or reckless indifference toward" his rights, along with an  
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Walters also alleges he was denied "his due process rights and legal representation before and following the charges for termination brought by defendants against plaintiff" that was "in violation of public policy, Missouri statute, and a breach of the terms of the contract, and was without just cause."

Mehlville does not comment on pending litigation, Superintendent Norm Ridder said. The board president when the suit was filed, Ron Fedorchak, and his successor Venki Palamand – who was also board president when the board fired Walters – also told the Call they could not comment on pending litigation. At the time the lawsuit was filed, Fedorchak, Palamand and board member Larry Felton were the only members of the 2012 board still on the board, but Fedorchak lost his seat in the April 7 election.



Eric Knost (click for larger version)

Walters is also suing Knost personally. Since Knost was acting in his capacity as Mehlville superintendent at the time of the allegations, he will also be represented by Mehlville's attorneys through the district's umbrella liability policy, Ridder added. Mehlville's attorney is Charles Elbert of the district's law firm Shands, Elbert, Gianoulakis & Giljum. The case has been assigned to Judge John Warner in St. Louis County Circuit Court.

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In the June 2012 closed-session vote to fire Walters, on a motion made by then-board member Rich Franz and seconded by Fedorchak, the board unanimously moved to terminate Walters' \$109,674 contract, which the board had granted to Walters the day before the Forest Park incident.

Walters could have requested a public hearing where the charges against him would be tried in public, but he did not. Among the public list of charges at the time were that Walters had not "timely contested" the charges "following service of the charges and notice of the charges on him."

In Walters' lawsuit, he says he was "ready, willing and able" to perform his principal duties under the Mehlville contract and was fired on "false and unsubstantiated accusations of misconduct and for allegedly lying to his superiors when in fact, Plaintiff told the truth to his superiors and insisted on his due process rights including Fifth Amendment rights and his right to an attorney in any district termination proceeding ... Plaintiff's rights were denied to him by defendants."

Walters also suffered "emotional distress and mental anguish" over the firing and has lost participation in the Missouri retirement system and had to pay attorneys' fees, according to the lawsuit.

Regarding Knost, the lawsuit alleges that Knost did not allow Walters to be represented by an attorney in hearings and that Knost "in violation of public policy conducted a bias, (sic) inaccurate and incomplete investigation of the alleged misconduct without regard to video tape evidence proving the alleged allegations were untrue. Defendant Knost conducted a negligent, bias, (sic) inaccurate and incomplete investigation in violation of public policy and Missouri statute despite Plaintiff's request that he be allowed representation by his attorney and allowed to adjudicate the allegations of misconduct in municipal court in the city of St. Louis prior to any termination hearing or proceedings in the district."

Walters has yet to respond Thursday to a request for comment. He is represented by the same attorney who used video evidence to convince a judge to throw out the lewd conduct citation, Neil Bruntrager — now known nationwide as the attorney for Darren Wilson.

Bruntrager is out of the office and unavailable for comment on the lawsuit, but he told the Call at the time Walters was acquitted of the city citation that the school district had breached the principal's contract.

When the citation was dismissed, Knost told the Call that the district still stood behind its decision to fire Walters and did "not believe any contract was breached."

Walters was a well-respected principal while at Point, and Mehlville board members received letters from parents asking the district to keep him as principal even after the Forest Park allegation emerged. Before coming to the Mehlville School District, Walters served as principal of Bayless Intermediate School in the Bayless School District for three years.

After Mehlville fired Walters, he was hired as the director of learning and teacher support at Confluence Academy, a chain of charter schools in the city of St. Louis. The director of human resources at Confluence is Knost's predecessor as Mehlville superintendent, Terry Noble, who took the helm at Mehlville July 1, 2007 — the same day Walters came to the district from Bayless to serve as Point principal. Then-Deputy Superintendent Knost hired Walters before Noble's arrival.

Confluence Academy is overseen by a board of directors that includes Katie Casas, who formerly worked for the Children's Education Alliance of Missouri, or CEAM, which threatened to sue Mehlville in the summer of 2013 when Knost said Mehlville did not have room to take every student from Riverview Gardens who wanted to transfer.

Walters was succeeded at Mehlville by current Point Principal Dan Gieseler, who came from Rockwood at the beginning of the 2012 school year.

Walters had maintained his innocence since being issued the summons March 16, 2012, near Concourse and McKinley in Forest Park. The summons, issued by then-Park Ranger Tim McGarity, stated, "I observed subject Walters grab his genitals (sic) while talking to a person in his vehicle who later confessed to what was happening."

McGarity, who was a utility officer at the time of the trial, was

"Defendant Knost conducted a negligent, bias, (sic) inaccurate and incomplete investigation in violation of public policy and Missouri statute despite Plaintiff's request that he be allowed representation by his attorney and allowed to adjudicate the allegations of misconduct in municipal court in the city of St. Louis prior to any termination hearing or proceedings in the district."  
— Walters lawsuit

"I reviewed the petition along with my attorney and I can comfortably say we believe the claims are completely without merit."  
— Eric Knost

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the only witness, though Walters was present. McGarity testified that Walters exposed himself and simulated a masturbation act. Murphy stated in his decision that "had that been the case, the question defense counsel asked is why the ranger did not use such language in the summons, which was the first document the ranger completed."

McGarity's testimony in court also "dramatically differed from the language of the summons," according to Murphy.

"Even the park ranger admitted the summons 'could have been worded better,'" Murphy stated. "... The summons fails on its face to meet the elements of the ordinance. If this court took the words of the summons as presented, the courts for the city of St. Louis would be inundated with cases brought against athletes for such behavior."



Neil Bruntrager

McGarity testified he saw Walters talk to a man in a vehicle near Concourse and McKinley, which is where McGarity alleged the incident occurred. The former ranger also testified the man in the vehicle and Walters had additional contact in an upper Munny lot, which has video cameras.

Bruntrager introduced video evidence from the time McGarity testified the second point of contact occurred.

Murphy stated in his decision the video footage "clearly, convincingly and totally refutes the park ranger's testimony, as well as his report narrative and deposition."

Bruntrager, according to Murphy, "even widened the time frame of the incident to give the ranger one hour and 46 minutes of leeway for the rendezvous at (the upper Munny lot) to appear on camera."

Murphy stated in his decision that:

- Walters never appears in the video evidence.
- McGarity "never appears pursuing them as he alleged."
- The "video clearly shows the camera was working properly and was recording every movement by persons and motor vehicles."

The cameras on the lot are motion activated, which McGarity testified do not pick up movement if people are out of range. He also testified he was aware of the cameras, but unaware that they were recording.

Murphy stated the court has heard "many cases based solely on the testimony of a single city witness," which is usually a St. Louis city police officer.

"The city attorney invariably, if not always, asks the police officer of his or her training and experience," Murphy wrote in his decision. "This is presumably done to bolster the witness' credibility."

In cases such as Walters', Murphy stated the city "presents only one witness" and that "the city has ruled in the favor of such cases many times based on the officer's testimony, experience and training."

In this particular case, Murphy states, "While park rangers are a valuable asset to the city, they do not have, and are not required to have, the length and breadth of training that St. Louis City police officers must have."

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