

1 OFFICE OF THE ATTORNEY GENERAL

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4 IN RE: STANKOSKI/STOUT EEO
COMPLAINT INVESTIGATION

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8 CONFIDENTIAL INTERVIEW OF

9 EDGAR C. SIMPSON

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11 Taken at the offices of
The State of Ohio
12 180 East Broad Street
11th Floor, Room A
13 Columbus, Ohio 43215

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on April 16, 2008, at 2:41 p.m.

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17 Reported by: Sara S. Clark, RPR/CRR/CCP/CBC

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1 PRESENT:

2 Ben Espy, Esq.
Executive Assistant Attorney General
3 Administration
30 E. Broad Street, 17th floor
4 Columbus, Ohio 43215

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6 Julie M. Pfeiffer, Esq.
Assistant Attorney General
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1 MR. ESPY: Mr. Simpson, I'm Ben Espy.
2 I'm the executive assistant to the Attorney
3 General, and this is Julie Pfeiffer, senior
4 attorney in the employment section. On April
5 the 8th, the Attorney General asked us to
6 investigate allegations of sexual harassment
7 filed by two employees of the Attorney General's
8 office against one Anthony Gutierrez. And we
9 would like to ask you questions today regarding
10 your knowledge of the events.

11 THE WITNESS: (Nods head.)

12 MR. ESPY: We cannot promise this will
13 be made confidential because certain aspects may
14 be public records. We want you to know that
15 before we swear you in as a witness. Do you
16 understand?

17 THE WITNESS: I do.

18 MR. ESPY: Try to keep your voice up --

19 THE WITNESS: Okay.

20 MR. ESPY: -- so she can hear you.

21 And if you will raise your right hand

22 and be sworn in.

23 EDGAR C. SIMPSON

24 being first duly sworn, as hereinafter

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1 certified, says as follows:

2 EXAMINATION

3 BY MR. ESPY:

4 Q. State your full name for the record and
5 spell your last name.

6 A. Edgar C. Simpson, S-i-m-p-s-o-n.

7 Q. Mr. Simpson, where are you employed?

8 A. I'm employed at the Ohio Attorney
9 General's office.

10 Q. And in what capacity are you employed?

11 A. I am the chief of policy and
12 administration.

13 Q. And how long have you been so employed?

14 A. Since January 8th of '07.

15 Q. And could you tell us for the record
16 your responsibilities.

17 A. I am in charge of the nonlegal, nonlaw
18 enforcement side of the house, technology

19 issues, budget issues, that kind of thing.

20 Q. And could you tell us any prior

21 employment which prepared you for this

22 particular job?

23 A. I was a metro editor and then managing

24 editor at the Tribune Chronicle in Warren, Ohio,

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1 and I was editor of the Joplin Globe in Joplin,
2 Missouri, both newspapers.

3 Q. And when were you -- when did you begin
4 your employment at the Attorney General's
5 office?

6 A. January 8th of '07.

7 Q. Were you on the transition team?

8 A. I was brought in about three weeks
9 before we took office.

10 Q. Were you considered a part of the
11 transition team?

12 A. Yes.

13 Q. Okay. And you were officially hired on
14 January 8th, 2007; is that correct?

15 A. That's correct.

16 Q. And did you say that HR was one of the
17 sections that you oversee?

18 A. I did not say that, but I do. HR is

19 part of one of my sections.

20 Q. And who is your deputy, if you have one?

21 A. I do not currently have a deputy.

22 Q. Who is the COO of your operation?

23 A. Joyce Chapple.

24 Q. Do you know whether or not she has an HR

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1 background?

2 A. I believe she has an extensive HR

3 background.

4 Q. When you became the director -- chief of

5 policy administration, who was the HR chief at

6 that time?

7 A. She was from the previous

8 administration. You asked me too quick. I

9 don't recall her name.

10 Q. Let me ask you, how long did she serve?

11 A. She was here until mid summer of the

12 first year.

13 Q. Was she subsequently replaced by someone

14 else?

15 A. She was.

16 Q. And who was she replaced by?

17 A. Stephanie Bostos-Demers.

18 Q. And to your knowledge, did Ms. Demers

19 have an HR background?

20 A. To my knowledge, she was a career civil

21 rights attorney.

22 Q. But do you know if she had any specific

23 HR background when she was hired?

24 A. Not to my knowledge.

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1 Q. When you were hired on January the 8th
2 of 2007, was there policies in place to govern
3 the operation of the office?

4 A. There was.

5 Q. And were those policies developed under
6 this administration or were they policies from
7 the prior administration that carried over?

8 A. We made -- the prior administration.

9 Q. And at some point in time, did you have
10 these policies reworked --

11 A. Yes.

12 Q. -- rewritten?

13 A. Yes.

14 Q. And when was that?

15 A. It began -- the process began almost
16 immediately. Certainly by February. I do not
17 recall when it was completed, but it was
18 several, several months.

19 Q. Did you put out a new policy manual at
20 some point in time during the year?

21 A. '07?

22 Q. In '07.

23 A. I don't recall whether it was late fall

24 of '07 or early '08, but we did put out a new

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1 manual.

2 Q. Let me show you a document entitled
3 State of Ohio Office of the Attorney General
4 Policies and Procedures Manual, and ask you, was
5 that policy put out under this administration or
6 the previous administration?

7 A. This administration.

8 Q. And do you -- does that refresh your
9 memory as to what date it came out?

10 A. It says updated January of '08.

11 Q. Am I in the correct assumption that
12 during the year 2007, that we operated under the
13 previous administration's policies, pretty much?

14 A. Yes.

15 Q. And under your direction, did you have
16 the occasion to appoint an EEO director -- or
17 have appointed an EEO director?

18 A. I did not. An EEO director was

19 appointed.

20 Q. Who appointed her?

21 A. Joyce.

22 Q. And the Joyce you're referring to is

23 your COO?

24 A. Yes.

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1 Q. Did you concur with her appointment?

2 A. I did.

3 Q. And who was the EEO director?

4 A. Angela Smedlund.

5 Q. Was Angela Smedlund hired initially as
6 an EEO director?

7 A. No, sir.

8 Q. What was she hired as?

9 A. She was -- to the best of my
10 recollection, she was an administrative
11 assistant to Joyce.

12 Q. Is that another word for secretary?

13 A. I don't believe so.

14 Q. What's the job of administrative
15 assistant?

16 A. It depends -- it depends widely upon --
17 depending upon who they're reporting to and what
18 duties they perform.

19 Q. Do you know whether or not she had any
20 background in EEO matters prior to her being
21 placed in that position?

22 A. I do not know.

23 Q. Do you know when she was placed in that
24 position as EEO director?

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1 A. I don't recall.

2 Q. Do you know Anthony Gutierrez?

3 A. I do.

4 Q. And how did you come to know him?

5 A. He was brought into the administration
6 as director of general services, I believe in
7 late February of '07.

8 Q. Prior to February of 2007, did you know
9 Anthony Gutierrez?

10 A. I exchanged several phone calls with him
11 but I had never met him.

12 Q. Prior to February, 2007, did you know
13 Leo Jennings?

14 A. Again, I had several phone calls with
15 Leo but I had not met him.

16 Q. Prior to February, 2007, did you know
17 Marc Dann, the Attorney General?

18 A. I did.

19 Q. In what capacity did you know him before
20 he became Attorney General?

21 A. He was an attorney in Youngstown, where
22 I was the -- working for the Tribune Chronicle.

23 I was very good friends with his wife, and I

24 came to know Marc through my friendship with his

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1 wife. He was also my attorney in a custody
2 battle.

3 Q. How did you become very good friends
4 with his wife? Was she involved with the
5 newspaper business?

6 A. She was. She worked at the Tribune
7 Chronicle, as well.

8 Q. Was she a reporter, or --

9 A. She was a reporter. She was the
10 investigative reporter.

11 Q. So it's fair to say you knew his wife
12 better than you knew Marc Dann?

13 A. That's fair.

14 Q. Do you know Cynthia Stankoski?

15 A. I know her to see her. I don't -- I
16 know her to see her.

17 Q. Do you know Vanessa Stout?

18 A. No.

19 Q. Have you ever met her before?

20 A. I don't recall.

21 Q. Did you know Cindy Stankoski only from a

22 business setting, or did you ever socialize with

23 her?

24 A. Never socialized with her.

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1 Q. What about Vanessa Stout?

2 A. No.

3 Q. What about Jessica Utovich, did you know

4 her prior to February, 2007?

5 A. No.

6 Q. When did you first meet her?

7 A. I met her one evening when we were --

8 Marc and I were talking about the need to hire a

9 scheduler.

10 Q. Do you recall when that was?

11 A. It was probably toward the end of

12 January, early February of '07.

13 Q. Did Marc recommend her to be a

14 scheduler?

15 A. No.

16 Q. What did you do in hiring her as the

17 scheduler?

18 A. I brought her in. We had an

19 hour-or-so-long interview. I looked at her

20 resume and offered her the position.

21 Q. And she became the scheduler in January

22 of 2007?

23 A. Either late January or early February.

24 I don't recall the exact date.

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1 Q. Okay. And subsequently, she left the
2 job as scheduler and took another job in the
3 office?

4 A. She did.

5 Q. And when did that occur?

6 A. I believe early this year, of '08.

7 Q. And what job did she take?

8 A. She is the director of the travel
9 office.

10 Q. And as director of the travel office,
11 who does she report to?

12 A. Pat McLean.

13 Q. How was she selected for that position?

14 A. I asked her to take it.

15 Q. Why did you want her to leave as
16 scheduler to become director of travel office?

17 A. Well, the travel office was something
18 Pat and I had talked about for several months.

19 Q. Why did you select her?

20 A. She clearly had the skills for it. She

21 was quite talented at making travel

22 arrangements. Seemed like a good fit.

23 Q. Were you involved in the process of

24 hiring Cindy Stankoski?

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1 A. No.

2 Q. Were you involved in the process of
3 hiring Vanessa Stout?

4 A. Can you define process just a little
5 bit? I signed --

6 Q. I'm talking in terms of the HR process.

7 A. HR? Well, in terms of the HR process,
8 I'm involved in all hires in terms of the
9 initial request to fill a position and in terms
10 of the final putting them on staff.

11 Q. Now, Cindy Stankoski, when she was
12 hired, had a number of speeding traffic
13 violations on her application. Do you recall
14 that?

15 A. I do not recall that.

16 Q. And when Vanessa Stout was hired, she
17 had a number of convictions on her application.
18 Were you aware of that?

19 A. I should have been aware of it. I had
20 occasion later to ask for her personnel file and
21 I saw the convictions in there, and I saw that I
22 had signed off, saying this is okay.

23 Q. What is the policy in the office
24 regarding hiring a person with convictions?

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1 A. The policy is no felonies. Misdemeanors
2 on a case-by-case basis, depending on what they
3 are and the severity.

4 Q. Her convictions included theft, assault,
5 DUI, harassment. Is that enough to have a
6 person be denied employment?

7 A. Yes.

8 Q. And do you know why you approved that,
9 for her to be hired?

10 A. It was a mistake.

11 Q. Do you know why you approved her to be
12 hired?

13 A. It was one of those things where the
14 process is questionable backgrounds are to go to
15 Joyce, who will make a recommendation to me. In
16 this particular case, Tony came up, very late at
17 the end of the day, said, Ed, I need you to sign
18 off on this. It's okay. I made a severe error

19 in judgment by not studying it closely enough.

20 Q. Is it fair to say that you signed off

21 because of Tony's representation that she should

22 be hired? Is that a fair statement?

23 A. That is fair.

24 Q. It is also fair to say she was hired in

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1 contravention to the office policies?

2 A. Without looking at her file --

3 Q. We have it here.

4 A. -- as you've described it, the answer's

5 yes.

6 Q. The answer's yes?

7 A. Yes. As you have stated it, sir, the

8 answer would be yes.

9 Q. Well, I'd rather not state it. I'd

10 rather you see it.

11 A. Okay.

12 Q. Sometimes I misspeak also.

13 MS. PFEIFFER: That's Exhibit 12,

14 Exhibit 13, Exhibit 14, Exhibit 15.

15 (indicating).

16 (Pause in proceedings.)

17 THE WITNESS: Can I ask a question?

18 MR. ESPY: Sure.

19 THE WITNESS: Is this a separate charge,

20 do you know (indicating)?

21 MR. ESPY: A separate charge?

22 THE WITNESS: Is that a separate thing,

23 or is it a repetition of the earlier?

24 MR. ESPY: Let me see.

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1 THE WITNESS: Because the charges look
2 the same.

3 MR. ESPY: If this is the same page,
4 it's almost a summary of the one charge, simple
5 assault, disorderly conduct, harassment,
6 stalking. There may be two copies of the same
7 page in there.

8 (Pause in proceedings.)

9 A. Based on what I'm seeing here, her
10 background should have been examined much more
11 closely than it was. I don't know that it would
12 be an automatic you can't be hired, but it's
13 likely Joyce and I would have concluded no, she
14 should not have been hired.

15 Q. We were told by Ms. Demers that in
16 approving this particular person, it's the first
17 time that anyone's gone over her head to get it
18 approved. Is that your recollection also, since

19 Tony came directly to you with it?

20 A. My recollection with it is that sounds

21 accurate.

22 Q. Okay. And she was placed in the general

23 services section; is that correct?

24 A. That is correct.

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1 Q. And at some point in time, Ms. Stout was
2 transferred out of that section?

3 A. That's correct.

4 Q. What was the reason that she was
5 transferred?

6 A. There were two reasons. There were a
7 lot of rumblings that Vanessa and Tony had
8 inappropriate dealings. No firm information.
9 And we had an operational need in our IT
10 section.

11 Q. What was the first reason?

12 A. There were a lot of rumblings that
13 Vanessa and Tony had inappropriate dealings. No
14 firm information, but rumblings.

15 Q. And the second reason?

16 A. Was there was an operational need in the
17 IT section. That would be part of a long-term
18 plan to move the telephone unit to information

19 technology from general services.

20 Q. I should tell you that we've had

21 previous testimony in this case, and we've been

22 told that IT had no such need for this person to

23 be transferred over there. And we've been told

24 this person had no skills to be transferred to

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1 IT. And we've been told that it was said that
2 she has to get off of the 17th floor and out of
3 the building.

4 A. Uh-huh.

5 Q. Now, those reasons, you're saying, are
6 not true?

7 A. I can tell you that I believe there was
8 an operational need in IT.

9 Q. Did you relay that need to Marc Polster?

10 A. I talked to Marc. I said, do you need
11 this person? Do you have work for this person
12 to do? Because he always needs help on the help
13 desk. And he says, yes, we can use her.

14 Q. But he did not make an HR request for an
15 employee, did he?

16 A. No, sir.

17 Q. And is that normally how the process
18 works, he makes a request for a person to fill

19 certain needs and HR then finds a person for

20 that need?

21 A. We've had a variety of other transfers

22 where that was not the case.

23 Q. So if Marc Polster states that he was

24 surprised and shocked she was being transferred

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1 over there, that would be a misstatement by him?

2 A. He may well have been surprised and --

3 and shocked. All I can relate to you is what

4 our conversation was.

5 Q. And you said Vanessa and Tony,

6 inappropriate dealings, rumors.

7 A. Yes, sir.

8 Q. Did that rumor have to do with a text

9 message she sent to Tony that his wife found out

10 about?

11 A. I don't know the nature. All I heard

12 was just mutterings of potential issues.

13 Q. Did you get any direction from anyone to

14 move her out?

15 A. A direct order?

16 Q. Direct or indirect, to move her out.

17 A. I had a discussion with the Attorney

18 General about Vanessa. He did not direct me to

19 move her out.

20 Q. Did the discussion entail an e-mail she

21 sent to Tony on his telephone, some risque --

22 A. No, sir.

23 Q. Was it based upon this rumor you heard

24 about inappropriate dealings with Tony?

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1 A. That was certainly part of it.

2 Q. We've been told through testimony that
3 as a result of this text message she sent to
4 Tony on his cell phone, that his wife got wind
5 of it and basically said, do something about
6 this. Next thing we know, she's being
7 transferred out. I'm trying to see if there's a
8 connection between those two things or not.

9 A. I -- I can't tell you, sir.

10 Q. But you did not decide on your own to
11 move her out, did you?

12 A. No, sir, not on my own.

13 Q. You got direction from someone that's
14 higher than you?

15 A. I was not directed to transfer Vanessa.

16 Q. But you did discuss the problems that
17 she was either possibly causing, she and Tony
18 and their dealings?

19 A. Yes, sir.

20 Q. Okay. And then she could not pass the

21 background check for BCI or OCIC; is that

22 correct?

23 A. That's correct.

24 Q. So then she transferred to OJI -- or

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1 OCJI, Criminal Justice Initiates?

2 A. No, sir, not to my knowledge.

3 Q. Yeah, I think she was transferred over

4 there --

5 A. Okay.

6 Q. -- or told she couldn't pass the

7 background check for BCI.

8 A. You may be confusing two different

9 people.

10 Q. Vanessa Stout.

11 A. Okay.

12 Q. I'm sorry. I'm confusing her with

13 Mariellen. Yeah, I am getting confused.

14 A. Yeah.

15 Q. It's a hot room, hot day.

16 Okay. She's still at IT, Vanessa Stout?

17 A. Yes, to my knowledge, she is.

18 Q. Okay. Did you speak with her prior to

19 her being transferred?

20 A. To Vanessa?

21 Q. Yeah.

22 A. No, sir.

23 Q. Did you ever talk to her at all about

24 the transfer?

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1 A. No, sir.

2 Q. Do you know if anyone talked to her
3 about the transfer?

4 A. Well, I'm sure somebody did, just
5 because she did --

6 Q. Do you know if Tony talked to her or HR?

7 A. I believe Tony did. It might have --
8 but -- I believe Tony did, but I can't say for
9 sure.

10 Q. Did you ever hear that she was very
11 unhappy about being transferred?

12 A. I heard that she was unhappy, yes.

13 Q. When was the first time you heard about
14 the sexual harassment complaints filed by -- not
15 filed by but as told by Cindy and Vanessa?

16 A. I believe it was the first week of
17 March.

18 Q. And who did you hear it from?

19 A. Stephanie.

20 Q. And did this meeting take place in your

21 office?

22 A. I believe it was in my office in a

23 meeting between Joyce and I and Stephanie.

24 Q. And what were you told?

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1 A. I was told that -- to the best of my
2 recollection, I was told that Vanessa had come
3 to her, that she had heard that there was a job
4 about to be posted, that she felt that was her
5 job, and that she was -- felt that she was -- it
6 was in preparation for her being fired, and that
7 she was very upset about that.

8 Q. Is that prior to her transfer or after
9 her transfer?

10 A. I believe it's after her transfer.

11 Q. Okay.

12 A. Oh, yes, well after the transfer.

13 Q. Okay.

14 A. And then apparently there was a variety
15 of allegations involving Tony and inappropriate
16 behavior.

17 Q. Before that meeting, did you become
18 aware that some text messages had been sent by

19 Cindy to another coworker?

20 A. I did.

21 Q. And how did you become aware of those?

22 A. Stephanie brought those to my attention,

23 and Joyce's attention.

24 Q. Was that on the same day she came to you

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1 about the allegations that Cindy and --

2 A. No, no. This was well prior.

3 Q. When did this occur?

4 A. I don't recall the exact date. I

5 believe it was fall.

6 Q. She brought it to you and Joyce's

7 attention?

8 A. Yes, sir.

9 Q. And what did you do with those text

10 messages then?

11 A. I didn't do anything with the text

12 messages.

13 Q. What did you say when you saw them?

14 A. I -- I you didn't really know what to

15 think. We talked about it. I asked Joyce to

16 talk to Tony, find out what was going on, and

17 counsel him that if, indeed, he was fraternizing

18 outside of work with young female coworkers,

19 that that was a problem and that he needed to

20 stop.

21 Q. Did she do that?

22 A. To my knowledge, she did.

23 Q. Did she make a written report of that

24 meeting?

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1 A. I have not seen one.

2 Q. How do you know she did it?

3 A. She told me she did it.

4 Q. And you said that Ms. Demers brought
5 these to you?

6 A. I believe so.

7 Q. And what else did you do at that time
8 with these text messages?

9 A. Did I do with them?

10 Q. Yeah, other than giving Ms. Chapple
11 instructions. Anything else you did?

12 A. I don't recall.

13 Q. Do you recall showing them to Leo?

14 A. I knew Leo had seen them.

15 Q. How did Leo see them?

16 A. I know he had a copy of them.

17 Q. Did he get that copy from you?

18 A. I don't recall.

19 Q. How do you know he had a copy of them?

20 A. We talked about them in his office and

21 he had a copy of them.

22 Q. What did he say about them?

23 A. He was unhappy.

24 Q. Why was he involved in the process in

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1 the first place?

2 A. Because he knew Tony.

3 Q. It was only based on his relationship,

4 not based on his job responsibilities?

5 A. No.

6 Q. Okay. And what did you two conclude

7 about what should be done? Is this before you

8 told Joyce to go talk to Tony?

9 A. No.

10 Q. Afterwards?

11 A. I believe -- I believe we concluded in

12 that initial meeting that Joyce needed to do

13 that.

14 Q. But this meeting was with you and

15 Ms. Demers, right?

16 A. Right.

17 Q. But the meeting you had with Leo, what

18 was the purpose of that meeting?

19 A. I wouldn't call it a meeting. Leo and I
20 talked daily, many times a day. The purpose of
21 that was to have Leo talk to Tony.

22 Q. So you wanted Leo and Joyce to talk to
23 Tony?

24 A. Yes, sir.

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1 Q. And do you know if Leo talked to Tony or
2 not?

3 A. I believe he did.

4 Q. Did you notice any appreciable change in
5 Tony's conduct after that meeting? Do you know
6 whether or not he still went out and had drinks
7 with the women and staff?

8 A. I have no personal knowledge, no.

9 Q. Did you get any more knowledge when you
10 were confronted with the allegations on March
11 6th and 7th about what he was doing?

12 A. Well, certainly the allegations were
13 there, but there didn't seem to be a good time
14 frame on them, so I didn't know.

15 Q. On the allegations?

16 A. Yes, sir.

17 Q. Did anyone -- well, did Ms. Demers give
18 you a written document showing you the time

19 frame when that happened?

20 A. There were handwritten notes that I

21 believe she had taken or somebody had taken.

22 That's what I recall.

23 Q. Showing you Exhibit 16 --

24 A. Yes, sir.

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1 Q. -- have you ever seen those notes
2 before?

3 A. Yes, sir.

4 Q. Do those notes have dates along the side
5 when these events occurred?

6 A. They do.

7 Q. So we see you didn't have specificity as
8 far as time. What are you referring to?

9 (Pause in proceedings.)

10 A. Well, I -- I guess even looking at
11 them -- and perhaps it's just me -- I'm still
12 confused on what the specific allegations are
13 and when they occurred. I mean, there's --
14 okay. There are definitely dates on there. I
15 certainly apologize if I misspoke.

16 Q. Do you recall the notes mentioned the
17 fact that Tony drinks when he goes out?

18 A. I do recall that, yes, sir.

19 Q. And do you recall any conversation
20 regarding the fact he's driving a State vehicle
21 when he goes out?

22 A. I know he's assigned a State vehicle.

23 Q. Do you have any evidence at all before
24 then that he was drinking and driving a State

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1 vehicle?

2 A. No, sir.

3 Q. Not even from those notes?

4 A. Oh. From those notes? I don't recall,

5 sir.

6 Q. Okay. So Leo and Joyce both talked to

7 Tony about his conduct, so on March the 6th and

8 7th, after you saw these allegations being

9 raised, what action did you take or Joyce took

10 or you told Ms. Demers to take?

11 A. I asked Stephanie to go back to Vanessa,

12 give her the facts that there was no job

13 posting, there was no intention, to my

14 knowledge, of her being fired, and to make sure

15 that she understood how to file an EEOC

16 complaint.

17 Q. Did Ms. Demers tell you that the job

18 posting had to be rescinded or say no because

- 19 you're trying to fill a job that she had been
20 transferred from and you couldn't do that with
21 the same duties?
- 22 A. That sounds accurate.
- 23 Q. Did she also tell you that if you did
24 try to do that, you'd be subject to a lawsuit?

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1 A. I -- I don't recall that.

2 Q. Did she tell you at that time that,
3 based on these allegations, that Tony and Cindy
4 should be separated in the employment circle?

5 A. She suggested that Tony be transferred.

6 Q. To separate them during these
7 allegations; is that correct?

8 A. That was not my understanding. My
9 understanding was they were already separated.

10 Q. By -- we're talking now about Cindy.

11 A. Oh, Cindy. I'm sorry, sir.

12 Q. Okay.

13 A. She said --

14 Q. These allegations involve Cindy.

15 A. I'm sorry. Okay.

16 She did recommend that Tony be
17 transferred.

18 Q. And what happened with that

19 recommendation?

20 A. Nothing.

21 Q. And why not?

22 A. Because I had nowhere to transfer him

23 to, because I felt that would be convicting Tony

24 before all the facts were in, that it would be

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1 seen as a punishment to Tony. The only option
2 would be to put him in a different position at a
3 reduction of pay, which I felt we needed more
4 facts before we took that action.

5 Q. Did she explain to you that when you
6 have allegations such as sexual harassment, that
7 the parties should be separated from a legal
8 standpoint immediately?

9 A. We didn't talk about that. We did talk
10 about whether Cindy desired to file a complaint.

11 Q. Well, based upon the policy that we
12 adopted, this policy book here --

13 A. Yes, sir.

14 Q. -- the complaint doesn't have to be in
15 writing, does it?

16 A. No, sir. It encourages it in writing.

17 Q. But they -- could you consider this
18 contact with Ms. Demers and her notes as a

19 complaint?

20 A. I certainly consider it as information

21 that we would need to take seriously.

22 Q. If it doesn't have to be in writing, why

23 would this not be a complaint?

24 A. Well, our policy calls that we, number

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1 one, encourage folks to put their complaint in
2 writing.

3 Q. But it doesn't have to be?

4 A. No, sir, it does not have to be.

5 Q. So why would this not be considered a
6 complaint?

7 A. It certainly could be seen as that, yes,
8 sir.

9 Q. If Ms. Demers considered this an EEO
10 matter, what was she obligated to do under the
11 policies?

12 A. Refer it to our EEOC officer.

13 Q. Immediately?

14 A. There's always a definition of
15 immediately, but, yes.

16 Q. Would you call 20-some days immediate,
17 within 20-some days?

18 A. Having no experience in that, sir, I

19 don't want to judge that. I don't know.

20 Q. Between March 6th and 7th and March the

21 27th, what was done with these allegations

22 within the office?

23 A. I'm sorry, sir. Those dates again?

24 Q. Between March the 6th and 7th until

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1 March 27th, what was done with these allegations
2 in the office?

3 A. My understanding was that Stephanie was
4 contacting the employees to make sure they
5 understood the sexual harassment policies and
6 procedures for filing an EEOC complaint.

7 Q. Did she do that?

8 A. I assume she did.

9 Q. Ms. Demers says she met with you on
10 March the 11th and you met to rehash the
11 allegations. She said she again expressed her
12 belief of the severity of the matter and
13 expressed that something should be done. Again
14 options were discussed. Mr. Simpson and
15 Ms. Chapple advised the matter will be handled
16 and she will be notified accordingly. In other
17 words, it's in our hands now. We'll get back to
18 you. Does that sound about right to you?

19 A. I don't recall that.

20 Q. They discussed options for remedy and an

21 investigation. Ms. Demers advises that

22 Ms. Stankoski does not want to be transferred

23 out of general services, and that Ms. Stout

24 wants to return to general services. And then

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1 they talked about -- you talked about her
2 personal phone records.

3 A. Okay.

4 Q. It says, Ms. Chapple advised that
5 Ms. Demers can inform the ladies that they
6 should fear no retaliation, that they are safe
7 in their jobs.

8 A. (Witness nods head.)

9 Q. That's what came out of that meeting?

10 A. That's correct.

11 Q. She had another meeting on the next day
12 with Mr. Winters and Ms. Chapple about BCI
13 matters. And after the meeting, she inquired
14 about the status of the Gutierrez situation by
15 Ms. Chapple. And Ms. Chapple expressed the
16 office cannot take action until hearing all
17 sides of the story and the matter must be
18 investigated. And she indicated that Ms. Demers

19 was free to meet with Ms. Stankoski, even in the
20 presence of Mr. Gutierrez, to ensure her that
21 she should not fear reprisal or harm. That was
22 the next day.

23 The next day, March the 12th, she met
24 with you again and Ms. Chapple. And she met

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1 Ms. Stankoski in the basement of the State
2 Office Tower and advised her that 17th floor is
3 looking into the matter and that she should fear
4 no retaliation or reprisal, and you all
5 discussed a possibility of Mr. Gutierrez being
6 transferred. But at that meeting, still no
7 resolution and nothing was decided.

8 On March 18th, the newspapers started to
9 call. And at this time, still no investigation
10 has begun. And according to the records, I
11 guess, the first investigation began on what
12 day? Do you know when it began?

13 A. I do not know.

14 Q. Do you recall a meeting where you told
15 Ms. Demers that she is too bias and she should
16 not be the investigator?

17 A. I recall a meeting where that came up.

18 I don't recall whether I said it or whether

19 somebody else said it.

20 Q. But you recall her saying that she

21 was -- heard someone say she was too biased, she

22 could not investigate?

23 A. Yes.

24 Q. Does Ms. Demers have the authority under

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1 the policies to investigate?

2 A. You know, again, she -- my understanding
3 of our policies is that the HR director has some
4 pretty wide latitude to investigate the variety
5 of employment issues. She felt strongly she
6 could and should investigate this. This seemed
7 to be much more directly EEOC related.

8 Q. Is it your understanding of the policy
9 that once the HR director determines it's an EEO
10 matter, it must be turned over to the EEOC
11 director?

12 A. That's my understanding.

13 Q. And at that point in time, only the EEOC
14 director has the authority to investigate?

15 A. That's my understanding.

16 Q. So do you know any HR standards or
17 policies where it's -- they can investigate
18 these kind of matters?

19 A. No, sir.

20 Q. Did you pretty well leave personnel

21 matters up to Ms. Chapple, to oversee those

22 pretty much?

23 A. Yes, sir.

24 Q. Did you ever see Vanessa -- maybe I

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1 asked you this question already -- Vanessa and

2 Cindy out in a social setting any time?

3 A. Only outside smoking, Cindy.

4 Q. Just outside smoking?

5 A. Yes, sir.

6 Q. And never saw them at any bars or

7 anything?

8 A. Not to my knowledge.

9 Q. Did you ever see one of them at Zeno's

10 one night, Cindy?

11 A. Not -- not that I recall.

12 Q. Did you ever see Jessica out drinking at

13 Zeno's one night?

14 A. Yes.

15 Q. Did you ever socialize with Jessica?

16 A. Yes, several times.

17 Q. The same type of rumors that were out

18 there about Vanessa Stout, there were also the

19 same rumors out there about Jessica; is that

20 correct?

21 A. That's correct.

22 Q. And the rumors were about Jessica and

23 the Attorney General?

24 A. That's correct.

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1 Q. And that's been the subject of blogs and
2 everything else, I assume.

3 A. Yes, sir.

4 Q. And when Vanessa was transferred to IT,
5 Jessica was transferred also to the 15th floor.
6 Was there any correlation between those two
7 transfers and the rumors that you had heard
8 about?

9 A. No, sir. I -- I don't think Jessica was
10 transferred.

11 Q. Well, she was on the 17th floor.

12 A. Yes.

13 Q. And then she went down to the 15th
14 floor.

15 A. Yes, sir.

16 Q. And I'm saying, was that transfer based
17 on any type of rumors like you heard about
18 Vanessa --

19 A. No, sir.

20 Q. -- the reason why she was moved?

21 A. No, sir.

22 Q. Okay. Whose decision was that to move

23 her down there? Was that your decision?

24 A. I approached her about accepting the

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1 director of travel.

2 Q. You were not directed by anyone above

3 you to make that move?

4 A. I -- no. No. I mean, I approached

5 Jessica about accepting that job.

6 Q. I understand that, but you were not

7 directed by anyone above you to say, get her off

8 this floor?

9 A. Marc and I had -- the General and I had

10 several discussions.

11 Q. This is based upon the rumors that were

12 out there?

13 A. Part of it was that. Part of it was

14 there was a deteriorating communication between

15 them, and it was making the scheduling more

16 difficult.

17 Q. Okay. What I'm trying to get at,

18 Mr. Simpson, is that some of these rumors, true

19 or not, drove some personnel decisions. And
20 this could be just trying to make sure the
21 workplace environment is a better environment.
22 But with Vanessa, those rumors, I think, maybe
23 caused the transfer. Even though it may not
24 have been true, it could have impact on the

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1 workplace situation. And I'm saying the move
2 that Jessica made could have been the same type
3 of thing. The rumors could have spoiled the
4 workplace environment so let's separate
5 everybody and get on with something else. I'm
6 trying to see if that's what happened in her
7 situation also.

8 A. There was no doubt that the rumors were
9 absolutely impacting the communications in the
10 office. No question.

11 Q. Between Jessica and other people?

12 A. Exactly.

13 Q. And those things did not impact on Cindy
14 Stankoski, because she's still working the same
15 job, same place, as I understand it.

16 A. That's correct.

17 Q. Okay. Do you know Jennifer Urban?

18 A. I do.

19 Q. And there's also rumors out about her

20 relationships. Are you aware of those?

21 A. Yes.

22 Q. And that one relationship involves

23 possibly Leo Jennings.

24 A. Yes.

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1 Q. I'm not going to the truthfulness of it
2 or the falsity of it, but that is a rumor out
3 there?

4 A. That is a rumor out there.

5 Q. And Leo Jennings has been placed on
6 administrative leave with pay, as I understand
7 it.

8 A. That is correct.

9 Q. Do you know the reason why?

10 A. I do.

11 Q. Did you call Leo and inform him of the
12 reason why?

13 A. I talked to Leo -- yes, we talked
14 about -- we talked about the reason why.

15 Q. And what was his reaction to that?

16 A. He was very upset.

17 Q. He was in earlier today, you know.

18 A. Yes.

19 Q. And we questioned him about the
20 particular e-mail. And as the chief of staff in
21 the Attorney General's office, do you see this
22 fraternization as a problem in the office --

23 A. A --

24 Q. -- true or not?

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1 A. -- a wider problem than what we've
2 already been talking about?

3 Q. Yes. Or do you think it's confined to
4 just the people we've talked about?

5 A. I would be shocked if it were confined
6 to what we're just talking about, but I have no
7 knowledge of other issues.

8 Q. The ones we've talked about, has that
9 impacted the office in a negative way?

10 A. I believe it has.

11 Q. Do you think the office needs a
12 fraternization policy?

13 A. I think it is very difficult to
14 legislate what people do out of work hours, but
15 I do think training for folks who -- to
16 understand what it could mean, what is
17 appropriate, what isn't appropriate, is -- would
18 be a big help to the office.

- 19 Q. Well, I don't think we're moral police
20 either, unless it impacts upon the work mission.
21 And when it impacts on the work mission, do you
22 think it should be somewhat regulated, or at
23 least have a policy --
24 A. I would certainly be open to -- I think

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1 that my experience in trying to manage diverse
2 organizations is that when you try to develop
3 policies like that, your exception list, like
4 anniversaries, retirement parties, significant
5 events, your exception list becomes longer than
6 the don't list. So it's difficult to do. I
7 think the -- I'd be open to it, absolutely, and
8 I think -- but I think the only real solution is
9 training and awareness that your actions, even
10 off of work time, can impact the workplace.

11 Q. And these rumors have fostered the
12 environment and climate that, in your opinion,
13 has impacted policies in the office?

14 A. I think certainly the rumors have
15 affected the office. I think the much, much
16 deeper effect has been the publication of those
17 rumors, and that is something I think that every
18 public agency has to take a look at.

19 Q. Mrs. Demers testified this morning that
20 there was a meeting on January 16th in your
21 office -- she wrote in her journal it was a 2:00
22 meeting in your office, and she doesn't recall
23 the specifics as to why she was called there,
24 but there was discussion about a relationship

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1 between Ms. Stout and Mr. Gutierrez, her
2 criminal background, and the decision to
3 terminate Ms. Stout. Ms. Stout is not permitted
4 to be on the 17th floor, and particularly in the
5 box. Ms. Demers advised that we cannot
6 terminate her without cause. Mr. Simpson
7 agrees. A decision is made that Ms. Stout
8 should be transferred to get her away from
9 Mr. Gutierrez.

10 Do you recall that meeting?

11 A. I recall a meeting. I don't recall the
12 exact date.

13 Q. Do you recall the essence of what I just
14 read?

15 A. I do, sir.

16 Q. Okay. And is that true?

17 A. It's true to what it says, yes, sir.

18 Q. And this, again, is based upon the

19 possible rumors or relationship between those

20 two? Not going to the truth or the falsity of

21 it.

22 A. Yes, sir.

23 Q. Okay. Do we do job evaluations in the

24 AG's office?

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1 A. We do.

2 Q. And who gets the evaluations? Who gets
3 evaluated, just staff people?

4 A. Everybody, to my knowledge, gets
5 evaluated, with the possible exception of senior
6 management. I, for instance, have never had a
7 formal evaluation.

8 Q. Is there a provision that they must be
9 there at least a year before they're evaluated,
10 or every 90 days, or how does that work?

11 A. I don't know, sir.

12 Q. Ms. Chapple would know that?

13 A. She would know that.

14 Q. Do you know whether or not Angela
15 Smedlund has had any formal training as EEO
16 officer before she took that job?

17 A. To my knowledge, no.

18 Q. Has she had training since then?

19 A. I don't know.

20 Q. You know there's an allegation by

21 Cynthia Stankoski that she woke to find her

22 pants unbuttoned. Do you recall that?

23 A. I do.

24 Q. When was the first time you heard about

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1 that?

2 A. Of the awoke to find the pants

3 unbuttoned?

4 Q. Yeah.

5 A. The first week of March.

6 Q. Are you aware of any e-mails, any

7 written correspondence anywhere where she has

8 complained of that before March 6th?

9 A. I am not aware of that.

10 MR. ESPY: I think that's it for me.

11 MS. PFEIFFER: I don't have anything.

12 MR. ESPY: That's all I have today,

13 Mr. Simpson.

14 Is there anything you want to add for

15 the record, just to make sure that the record's

16 straight from your standpoint?

17 THE WITNESS: Only that I believe from

18 the bottom of my heart that we did our best to

19 protect our employees and be fair to everyone,

20 and that any failings in that ultimately must go

21 to my desk, so...

22 MR. ESPY: Go to your desk?

23 THE WITNESS: (Nods head.)

24 MR. ESPY: What have you learned through

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1 this process?

2 THE WITNESS: I've learned that if we
3 have a procedure, it must be followed, as in if
4 somebody walks into my office and shoves
5 something in my nose, I'm not going to just sign
6 it.

7 I've learned that our sexual harassment
8 policies need to be more straightforward so
9 everybody understands exactly what needs to be
10 done. I've learned that -- and, Senator, you
11 may have heard me say occasionally raise the
12 bar, that we need to raise the bar in this
13 administration. I believe we need to provide
14 training to our managers to make sure that they
15 understand their actions have impact and that we
16 are responsible for making sure that our
17 employees are safe and comfortable and can do
18 their work for the taxpayers to the bet of their

19 ability.

20 MR. ESPY: Agree.

21 Thanks for coming.

22 THE WITNESS: Thank you, guys.

23 -=0=-

24 Thereupon, the sworn interview of

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1 Edgar C. Simpson, April 16, 2008, was concluded

2 at 3:47 p.m.

3 --O--

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1 CERTIFICATE

2 STATE OF OHIO :

SS:

3 COUNTY OF FRANKLIN :

4 I, Sara S. Clark, RPR/CRR/CCP/CBC, a
Notary Public in and for the State of Ohio, duly
5 commissioned and qualified, do hereby certify
that the within-named EDGAR C. SIMPSON was first
6 duly sworn to testify to the truth, the whole
truth, and nothing but the truth in the cause
7 aforesaid; that the testimony then given was
reduced to stenotypy in the presence of said
8 witness, afterwards transcribed; that the
foregoing is a true and correct transcript of
9 the testimony; that this interview was taken at
the time and place in the foregoing caption
10 specified.

11 I do further certify that I am not a
relative, employee or attorney of any of the
12 parties hereto; that I am not a relative or
employee of any attorney or counsel employed by
13 the parties hereto; that I am not financially
interested in the action; and further, I am not,
14 nor is the court reporting firm with which I am
affiliated, under contract as defined in Civil
15 Rule 28(D).

16 In witness whereof, I have hereunto
set my hand and affixed my seal of office at
17 Columbus, Ohio, on this day
of , 2008.

18

19

Sara S. Clark, RPR/CRR/CCP/CBC

20

Notary Public, State of Ohio.

21 My commission expires: March 10, 2013

22

23

24

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