

**INTERVIEW WITH TIMOTHY JENSEN**  
**Fire Chief**  
**Liberty Township**

**Friday, April 22, 2016 at 10:34 a.m.**

1. Explain my background and role in conducting investigation.
  - a. I am conducting this investigation under the authority of the Board of Trustees of Liberty Township. That means that any directive that I give you during this investigation carries the same weight as if the Township Trustees, who are obviously your appointing authority, had given you that directive. This investigation obviously involves your own conduct and service as Fire Chief as well as an assessment of other issues within the Fire Department.
  - b. The directives I am giving you here are routine in any administrative investigation, and are not specific to you, other than some that reflect the fact that your performance is at least one subject of my investigation. Other than that, these are the same directives I have given them to everyone I interview.
  - c. This is an administrative investigation for purposes of determining whether there are any employment or disciplinary issues in the Liberty Township Fire Department that the Township needs to address. While this is an investigation, and that often calls to mind police investigations that we see on television programs or that might follow a suspicious fire, this investigation is not at all criminal in nature, and we have no reason to believe that any issue of that kind exists. Having said that, I obviously don't know what you will tell me, so I can't give you a categorical assurance that none of your answers can create criminal issues for you. But that is not the purpose of this interview and is not something we expect or suspect. It is my purpose to get to the bottom of some issues that may need to be addressed by the Township Trustees and Administrator.
  - d. It is very important that you understand my questions before answering. Listen carefully before answering, make sure that you understand the question before answering, and feel free to ask me to rephrase or repeat. Don't answer my question until you understand it, because once you answer it, I will conclude that you understood it and gave a truthful answer to the question.
  - e. If you need to take a break to go to the bathroom, talk with your attorney, or anything like that, just let me know—but not if a question is pending.
  - f. You are required to answer every question I ask fully, completely, and honestly—even if the truthful answer puts you, a fellow employee, or even the Township Administrator or Trustees in a bad light, even if the answer might cost someone else or you his or her job. You have no right not to answer my questions.

If I conclude that any witness, including you, has lied to me or failed to give truthful and complete answers, I will consider that insubordination and will be recommending discharge based on that offense alone, irrespective of my conclusions regarding the underlying issues that I am here to investigate. I have so advised all of the witnesses whom I have interviewed.

- g. Normally, a public employee has the right to refuse to answer a question if you feel that the answer to that question may incriminate you under federal, state, or local criminal laws. “Incrimination” means that the answer could involve you in a risk of criminal liability, not that the answer would get you in trouble with your job or get someone else in trouble. A reasonable fear of criminal liability is extremely unlikely given what I am looking into—which involves how the Fire Department is being managed—but in this case, I am issuing you what is called a *Garrity* notice, meaning that nothing you say in here today can be used against you in any subsequent criminal investigation or proceeding, so in all cases, you must answer my questions fully, completely, and honestly—and your own job is conditioned on you doing that.
- h. You have chosen to have an attorney with you today, as is your right under Ohio law. It is important to understand what your representative’s role is here today—and what it isn’t. Your representative is here to observe the proceedings, protect your rights, and you may seek his advice during breaks. Your representative may not interject, object to questions, tell you how to respond, tell you not to answer a question, or interfere with the process in any way. He understands the limits on his role well, so if Mr. Bittner is pretty quiet today, that does not mean that he is not doing his job. It means that he is observing the ground rules that govern his conduct here. You can consult with Mr. Bittner, but not while a question is pending—meaning you have to answer the question first. Mr. Bittner, I will certainly be happy to listen to any information or responses you may wish to share at the end of the interview.
- i. Do you understand these ground rules that I have reviewed here? Yes.
- j. We are recording this interview and will be happy to provide you a copy of the recording afterwards. Are you independently recording it? Yes.
- k. Other than your attorney—I am not asking any questions relating to your conversations with him—did anyone else besides me talk to you about this interview or investigation or in any way pressure you or tell you anything about what to say or not to say to me today? This would include either superiors, other Fire Department employees, or anyone else.
  - i. No.
  - ii. Have you met with or talked with any firefighters or fire officers since you were placed on administrative leave?

1. Yes.
2. [If yes.] With whom, when, and what did you talk about?
  - a. Brief conversations with Ken Lybarger, Dave White, Scott Simmons, BC Duane Price, Neal Brock, briefly in passing BC Piwtorak. Voice mail from FF Chad Gilbert.
  - b. Ken Lybarger—stopped by my house. Don't recall date. Brief, 10 minutes. Not on duty at the time. He was inquiring as to how I was doing.
  - c. FF Dave White—also stopped by the house, brief visit. Dave asked if I needed anything. Not on duty.
  - d. FF Scott Simmons—also stopped by the house, to inquire how I was doing. Not on duty.
  - e. BC Duane Price—He was at Station 321, I saw him twice on different occasions. First, Monday evening, Board of Trustees meeting in March. Second time also at Board of Trustees meeting, two weeks later. He was on duty the second time. At the conclusion of the board meeting, his office is right where you exit the meeting room, and he asked if I had seen the new iPad training system that was sitting on his desk. Very brief, maybe a minute or two. Scott Simmons did walk into the office while I was there. He was on duty at that point. Just a discussion about iPads. Scott was starting to gripe about one of the resolutions about "Healthy Rewards."
  - f. FF Neal Brock—phone call to my personal cell phone, early in the leave. Very similar—how are you doing, do you need anything?
  - g. BC Piwtorak—at the first time I ran into Price; Bill was standing in Duane's office. Trustees were in an executive session on the front end of the meeting. I was walking down the hall; stuck my head in the door and said "hi." At the end of the board meeting, Bill asked how I was doing. Bill was on duty at that point.
  - h. FF Chad Gilbert—voice mail, "Chief, how are you doing? If you need anything. . . ."

1. Do you have any questions before we proceed?
  - i. No.
2. What is your full legal name?
  - a. Timothy R. Jensen.
3. Tell me about the position that you hold with Liberty Township.
  - a. Fire Chief.
  - b. How long have you worked as Fire Chief for Liberty Township?
    - i. Since June 2009.
  - c. Were you hired into the position of Fire Chief that you hold, or did you have other positions before with Liberty Township?
    - i. Worked his way up the rank. One of the first career FFs hired in 2/90. About 2 years later, took test and promoted to Lt. Then in 1995, with growth of the community, I became first Fire Prevention Officer (still Lt.); then went to 40 hours/M-F. About 2000, became Assistant Chief under John Bernans. He retired in 2009 and I became Chief.
  - d. Tell me about your administrative structure within the Fire Department—what positions and people report directly to you?
    - i. Battalion Chiefs/former Captains, and Lt. Tom Saunders (Fire Prevention Officer); Jim Cirigliano was FD Administrative Assistant.
  - e. What significant prior work experience did you have before coming to work for the Township?
    - i. In 1980, I became a member of Hilliard Township volunteer FD, stayed through 2000 through the ranks as Assistant Chief (still volunteer). Went to college at OU and also worked part-time as EMS, then Delaware County.
4. Tell me about the Fire Department's workforce. How many employees do you have working where?
  - a. Should be 40 plus the chief, 41 uniformed, plus Jim as a civilian.
  - b. Are the full-time firefighters represented by a labor union?

- i. Yes, IAFF Local 3754.
  - ii. How has that relationship been over the past year or two?
    - 1. I would say good.
- 5. Before we get into the management of the Fire Department, let's talk about the impact of the two levies was on the Fire Department and on the work climate, including the relationship of firefighters with you as Chief, Trustees, and rest of the Township. What can you tell me how that evolved over the two elections and the time that followed? Failed in November 2012; successful one in February 2013.
  - a. Extremely challenging for everyone, let alone managing the situation from the Chief's office. With the first levy that failed, we already had been dealing with the fall-out from S.B. 5—staff of over 50 who were on edge and unhappy about the tone of that experience. We were in the midst of the financial recession and those problems. It was working on their collective attitudes and how they felt. The choice for going for the first levy during the presidential election was not mine; I would have lobbied for before the election. But Trustees chose to run it at that time. Millage rate was a collective decision, as was the campaign—Board and Gerber choose rate in consultation with me to continue current level of services; expiring levy had been there for 10 years. Lines intersected in year 5 or 6. We had several challenges with presenting levy to the community—the presidential election, and we had a divided Board of Trustees (2-1 vote). It's hard to pass a levy, particularly an increase, when elected officials are not behind it. With some input from supportive Trustees (Kurt Sieber and Mary Carducci), we formed an in-house campaign committee. Labor also involved, including Chalaco Clark, Assistant Chief Reardon. At one point, went door to door. In election, we lost by 100 votes.
  - b. From there, it was a scramble. Outgoing levy ended at end of 2012—sole source of funding. We had to gather the elected officials, myself, union leadership—we have to pick a time to go back and a millage that can be sold, and look at funding. We had to move very quickly. Board came up with an amount, put language together, submitted to the Board of Elections. A group of citizens took ownership—"Save Our Services" was the committee. Levy passed in February. But we could not sustain the level of staffing—the levy that passed maintained the prior level of income.
  - c. How much money do we have; staffing levels. We released all part-time staff. Members of the union were all served notices of possible layoffs, and we then had to develop a model—who would we keep? We then handed out layoff notices and had a 20% reduction in staffing; 10 FT positions plus the part-time positions. We actually laid off something like six.

- d. The mood around the stations and around my office was pretty lousy. A lot of finger-pointing and head scratching and grumbling about why the levy failed and whose fault it was that we were in this predicament. It was a caustic environment. He is really distressed even remembering it; emotional time. It really tested my fortitude; how do you “chief” in this environment; I was laying off people whom I hired. The Union was very unhappy with me, the elected officials, and the community as a whole.
  - e. How do we go about conducting business with this reduction in staff? We sat down; we had an Assistant Chief but did not have shift commanders; we had 2 40-hour captains. We reduced some services but tried to enhance emergency services. Instead of staffing four vehicles, we considered closing this station and consolidating at the main station. We considered staffing 321 on Liberty Road and then 322 (the closer one)—then we asked the “why are we here?,” and that’s to take 9-1-1 calls. We had to get the union involved as well—we created shift supervisor positions (the captains) and eliminated the 40-hour captains. We eliminated Assistant Chief Reardon’s position—that was a large part of my administrative staff and daily operational oversight. He stepped down into a captain’s position and became one of the three. In Fire Prevention, we had been very proactive and worked closely with Building Department, we had three people—two retired and that left only one. We now have one 40-hour administrator, one 40-hr fire prevention officer, no administrative support, but we had shift commanders to do day-to-day supervision. They still carried administrative duties that they did when they worked 40 hours.
  - f. The effect stuck around. We were hindered financially, and I had to be fiscally conservative. We had to go a whole year before the funds were collected, and we had to budget around a million dollars each year to fund that loan. Needed 5 to 10-year capital improvement plan; we didn’t do a lot of spending. It took a while to develop a philosophy and infuse the department with it—it took me a while. I finally saw that I could not live in the rear-view mirror and that caustic atmosphere, and we need to move forward. With the BCs, we started to look at the foundation projects for the future; what does the Board expect? That was not clear. It was extremely difficult to be hugely efficient—it was just me, no support. We built focus based on that—extremely detailed answer. Education and training very important to me. It’s going to take time to implement these changes.
6. How closely do you work with the Township Administrator?
- a. There has been a change in administrators—two very different individuals. With Matt, not every day but several times a week, some sort of conversation. If there has been a significant event, it’s good to let the administrator and board know. Not a lot on day-to-day operations. With Dave Anderson, there was a little more interaction. Still not day-to-day with operations, meetings, biweekly staff meetings, after board meeting.

- b. How has your work relationship been with him overall?
- i. A developing relationship.
  - ii. With Dave Anderson—stifling. Mr. Anderson was very much Type A personality; I learned a great deal working with him, but did not always agree with his philosophy, so I would ask questions. Sometimes Dave could be overbearing; sometimes he would give me some sage wisdom to help with, so I had to find ways to work with him. Very different management type styles. I am not a Type A.
- c. In your role as Fire Chief, what has been the achievements or accomplishments that you are most proud of?
- i. My commitment to education of the staff and primarily of the officers. I have had a number of officers obtain degrees—particularly important in a community such as ours.
  - ii. Commitment to the population with special needs and changing dynamics of EMS in the health-care system. We were # 1 in Ohio for our service to people with special needs. We had that opportunity with the help of Dr. Yamarick.
  - iii. Development of our department's relationship with the building department. Fire prevention bureaus often do not work well with building departments.
- d. What are the areas you have been most frustrated with or that you feel you may have fallen short in?
- i. As an individual who suffers with [REDACTED], it's very easy to be distracted and go off and try to tackle multiple things. I have to work hard at managing that. Served me well in the earlier career but not as well now.
  - ii. When you don't have very clearly spelled out expectations by your superiors, who are vague and nebulous—it's a team effort, and it's very frustrating to work with. I now need to educate a new administrator who does not come from my world. I would like directions on three or four succinct expectations.
- e. How has your relationship been with the Board of Trustees?
- i. This is the first Board of Trustees where none of them worked with Chief Bernans. Bernans cast a big shadow—had been here since 1989, and that

created a “model.” But this Board never worked with him, so I am out of the shadow.

1. Tom Mitchell—the closest Trustee whom I see fairly regularly. On a regular basis, I would sit down with him. I like working with him; he is intelligent and asks smart questions.
2. Shyra Eichhorn—I have enjoyed working for her; I was impressed from the beginning because she is very motivated. Fire service covers whole Township, including Powell, where she lives. For the first year of their tenure, relationship with Anderson was different—he talked at them. She has matured a lot as an elected official and I have been impressed with her growth, and she has firefighters’ interest at heart. I have a good working relationship with her.
3. Melanie Lenaghan—I have tried to develop political acumen to work with them, and that is something I have been challenged with. It has been a difficult relationship. I have found that despite what I inform her about, she goes outside to look for answers. Her expectations of what she sees for the department are counter to what we had been going through—she came into office and was looking for ways to cut or reduce a “bloated” department. That’s difficult to take. There are times I have sat with her—not a lot—she seldom comes to firehouses if at all. At board meetings or an extremely rare phone call. I have a board that I report to, not to just one Trustee. She does not believe what I tell her, and that’s difficult.
  - a. Have you told firefighters I can’t meet with her?
    - i. After long hesitation and some evasion, “yes.”
  - ii. Do you think you enjoy the trust and confidence of at least a majority of the Board of Trustees at this point?
    1. No.
    2. Why do you think that is?
      - a. Because we’re sitting here doing this (said more sadly and not with hostility).
      - b. Do you think you can be effective as Fire Chief if you don’t enjoy the basic trust and confidence of a majority of the Board of Trustees?



- i. It would make it very difficult.
- f. Do you believe that you enjoy the confidence and respect of most of the employees of the Fire Department?
- i. It'd like to think so, yes.
  - ii. Tell me more about why you feel that way?
    1. If you asked me three or four years ago, my answer would have been opposite. I believe that the way I operate and treat people fairly and allow people to speak their peace—because we have a contract in place that spells out how discipline happens—sometimes the elected don't understand that. People accuse me of being too slow and being indecisive. But snap judgments lead to grievances, arbitrations. I want to seek to understand what the problem is—and the staff sees that. Example protocol violation on a medical run—guilty until you speak your peace. We're a small operation. I give them a fair shake. I spend a great deal of time in labor relations.
  - iii. That wasn't always the case—not that long ago, the Union voted no-confidence in you, correct?
    1. I don't believe that they did—then backtracks and is for the first time very evasive. Insists not aware that they actually took a vote.
    2. That's a pretty startling turn-about. Why do you think that is?
      - a. In that interim, I began to set a tone—I was sick and tired of coming to work with this gray cloud over this organization. I was tired of looking in the rear-view mirror—we're done, that's old news.
  - iv. In the wake of the levy defeat, what did you see your role as in overcoming the bitterness and disappointment that the firefighters in the department likely felt?
    1. See above.
    2. How did you go about leading in that atmosphere?
      - a. I invested in my officers, a top down approach if you want to call it that.

- b. It was a slow process that began with work with the three captains. Sitting with them, what's working, what's not—we all have different personalities. Education, investing in our people.
  - c. But what to the troops? I give examples of key leadership moments from history—when did you seize the initiative like that?
    - i. The first real instance was in 2014. I had made that decision in my mind (“we’re done looking in the mirror”). In September 2014, all-hands, voluntary meeting with a presentation—just me, not a Q&A session. I used Winston Churchill—“you win some, but it’s what you do with the loss.” What’s next? I laid out financial issues and explained the budget, which I’ve never hidden from them. It took a lot of work with Mark Gerber, on whom I relied. I allowed several needs and positive things. In August 2015, with Cirigliano as facilitator, we had retreat with BCs and me—developed theme to go to the Board with a strategic plan, which we wanted to develop. I would love to see our organization accredited at some point. But Township doesn’t even have at this point.
3. How successful do you think you have been in turning your firefighters toward looking toward the future rather than refighting the past issues?
- a. Use analogies, crawling/baby steps/walking/running, we are now at the walking stage.
- g. In the recent election for Fiscal Officer, do you know which candidate the IAFF Local endorsed?
- i. Backed Mark Gerber, not sure if there was a formal endorsement.
  - ii. What was your own approach to that election—not how you voted, but how you advised your firefighters to conduct themselves during a hotly contested Township election?
    - 1. The message was a couple of pieces. We work with whomever is in the office, change is not easy (more my issue), and as with other elections, we do not actively participate while in uniform. If someone asks, you don’t comment.

2. Did you tell any firefighters or anyone in the Union that if Mark Gerber were defeated in his re-election bid, there would be or might be losses or reductions?
- a. Objects to format. I ask him to tell me what he said. He says, "No guaranteed. . ." I correct him; I didn't ask that. There was a question in my mind about the relationship with new fiscal officer and how that person would oversee the funds. I ask question again.
  - b. [If no.] Did you say anything like that?
    - i. The word "might" would be more appropriate. My concern is the relationship of the candidate with Lenaghan, who has never believed Gerber's numbers.
    - ii. I press again—what did you say? I can't deny that I had concerns, but can't recall how I said it.
  - c. If others quote you as saying that, are they being untruthful?
    - i. [Finally] I may have said something like that.
  - d. [If yes.] Do you think it is appropriate for a Fire Chief or other department head to be making that kind of comment to Township employees during such a hotly contested election?
    - i. Very long pause. I have to have conversations with my battalion chiefs because of their leadership role, including financially. There it could be appropriate. Staff will say, "Hey, what do you think?" Agrees not appropriate there. But what would this do except increase their anxiety level and spread worry?
    - ii. Why would there be reductions or cutbacks if there were a new Fiscal Officer?
      - 1. Already answered—he was very concerned about relationship with Lenaghan.

7. I now want to turn to a discussion of some specific areas of concern that have arisen in my earlier interviews or documents I have reviewed in the course of this investigation so far. With each, I want you to give me your perspective on this issue, as it is very important for me to understand how you see it as I assess what happened and why.
- a. Were you asked to put together or lead a citizens' committee to build support for the fire levy and department?
    - i. Yes.
    - ii. Who asked you to do that?
      1. Trustee Eichhorn.
      2. Did you understand that as a directive from a Trustee?
        - a. I took it more as a suggestion. I was cool to it at first. I am a hub of a wheel; I am responsible to the Trustees, the Union, and the public. Why another group to work with? We talked about it a little back and forth. I talked with some other chiefs, and I got mixed reviews. I took time to think about it, though, and one of the reasons that the levy failed for the first time because we were out of touch with the Community. The public wants to pick up the phone, call 9-1-1, and have someone take care of their problems. So I embraced the idea. I drafted a charge about expectations. At one point later, Trustee Eichhorn said, "If you don't want to do it, I'll do it myself." Knew then that it was more of a suggestion.
        - b. Did you understand that the Board of Trustees as a whole supported and wanted this committee to work?
          - i. No. But no negative communication from the other two.
    - iii. Who decided who would be on that committee?
      1. I did.
      2. What process did you use to recruit or identify those committee members?
        - a. Drafted charge/mission for the Committee, shared with the Board of Trustees (understood go with it), advertised for it and opened to anyone in the community. Wanted to take

individuals onto the Committee to give people more in depth education of the workings of a fire/EMS agency. Then I could step back and allow them to generate discussion. Not yet to the point of having a format of the report.

- iv. Tell me about what happened with that committee.
1. We first met in January; been meeting since January 2015. We were working toward monthly meetings, met twice sometimes, some months not at all. Last meeting in October.
  2. Do you believe that you saw that committee's work to a successful conclusion?
    - a. No, we were not to a point—not an overnight process.
    - b. [If no.] How would you assess your follow-through on this process?
      - i. It was pretty well. There was a gap during the winter. I am attributing that gap to the contract negotiations then the holidays, then some medical issues with my son in January.
  3. Are you aware that at least two members of the Committee complained to Township Administrator that the Committee has just stopped meeting since October and was doing nothing, and a third sent an e-mail asking if the Committee had been disbanded or if that member had been taken off the Committee because they weren't hearing anything and nothing seemed to be happening?
    - a. I am aware of the e-mail that Ms. Lohse sent saying that she and Karl Salmon were disgusted by the Committee—saw in the public records request. And I saw the e-mail from Teri Morgan, again in public records request.
  4. Do you think that perception by committee members will be helpful in terms of public and community relations when the time comes for the Township to pursue another fire levy?
    - a. Won't agree to blame. Karl Salmon has only been to one meeting. Julie Lohse sent me an e-mail in May already unhappy—why are we going to Delaware County EMS Center? Also got up in the middle of a meeting and walked out—her voice was not being heard. Teri Morgan has been

very active in the Committee—don't know her frame of mind.

- b. Are these people on the committee because they are seen as community and thought leaders representing different viewpoints in the community what is needed in terms of fire and EMS service?
  - i. I counted on Karl Salman being there because he is vocal at Trustee meetings—I wanted lively debate.
  - ii. I said to Lohse—if the Committee is not happy with the pace, let me know, but she went straight to Matt.
  
- b. Were you asked by a Trustee at any point to lead or spearhead a public education program on ice safety?
  - i. Yes.
  - ii. Who asked you to do that?
    - 1. Trustee Eichhorn.
    - 2. When was that?
      - a. Winter of 2014-15.
    - 3. What was the impetus or perceived need for that, if you know?
      - a. We had a long, cold winter—we have over 300 bodies of water, including retention ponds. We had responded to several animals caught in the ice or aerators creating soft spots in the ice. We had a fatality—older man followed dog onto the ice and he fell in and died.
      - b. So, Shyra approached me to put something together.
    - 4. Did you understand that as a directive or assignment—this is something that the Trustees wanted you to undertake and make happen?
      - a. Was not put in writing—but looks like this is a good idea, and I agreed that it would be a good idea.
    - 5. Tell me what happened with that project?

- a. Winter ended. (Wow!). We found by research—how to you make the ponds, had to do some work with Parks Director. We looked at the whole Township, looked at Risk Management (Township’s own ponds) not signed. Cathy was involved.
- b. No program resulted. I found some documents—no sense of recreating the wheel, used Canadian documents, asked Cathy to edit it. Then other things going on. In spring/summer, not thinking of ice. No ice until this winter, and I wanted picture of getting our staff doing ice rescue.
- c. Do you think you completed the implementation of that project as the Trustee asked you to do?
  - i. No. I press—why not done? He points to signs at Township’s pond.
  - ii. [If yes.] How then would you respond to the perception that after many hours of background work by Cathy Buehrer to help you with this, pretty much nothing happened—there was no follow through and no public-education campaign?
    - 1. Ideas go to die in your office?
      - a. For past two years, it’s just been me—I say yes too much, as is common with people with [REDACTED]
      - b. I’ve had to learn to better delegate. And we had the contract negotiations—and that was a priority.
      - c. Didn’t get ice to get a picture. (Maybe the good is not the enemy of the perfect?)
      - d. Wasn’t given a deadline. (Really?!)
- c. Have any issues arisen how firefighters conduct themselves with the public, specifically in a way that might show apparent bitterness toward the past failure of a fire levy in a recent election and the impact on the department?

- i. The fire inspection issue.
- ii. Do any specific incidents come to mind where that seemed to be an issue?
  1. See above.
- iii. Do you recall an incident involving a fire inspection of Trustee Lenaghan's husband's business?
  1. Yes.
  2. What do you know about what happened there?
    - a. I wrote a report on it. See the report.
    - b. Did you see the comments of the firefighters performing that inspection to be reasonable and appropriate?
      - i. Yes.
      - ii. Leave out the identity of the business owner's spouse—do you see how the inspectors that day may have created an impression that the community was being scolded or blamed for the vote on the fire levy?
        1. I do not.
  3. Did you take any corrective action with regard to what the firefighters involved said during that inspection?
    - a. They were not disciplined because not egregious enough to merit discipline. The answer that the FF gave was an honest answer.
    - b. Did you ever talk with either the business owner or Trustee Lenaghan about what had happened?
      - i. I did not; based on info given, I thought I had a comprehensive idea of what had taken place. Matt had interceded and put himself between me and the Trustees, and directed that a report be done. Matt asked Lenaghan to put her complaint in writing.



4. Are you aware of how Lt. Hanf responded when Cathy Buehrer asked him for information about which firefighters were involved in this inspection?
- a. Yes.
  - b. [If no.] She sent you a detailed summary of what happened and her concerns—you don't remember that?
    - i. N/A.
  - c. What did you do, if anything, in response to her concerns?
    - i. I have a problem with how she handled it. If there is an issue with the staff, she is not in that chain of command. Phone call should go to department head or battalion chief, Capt. Piwtorak.
  - d. Did you have any conversations with Lt. Hanf or any of the battalion chiefs about how to respond to Ms. Buehrer's inquiry or on anything else relating to this incident?
    - i. Capt. Piwtorak did get ahold of me that afternoon; I was home ill and on cold medicine. My phone blew up with calls.
    - ii. Did you give them any instructions or direction on what to do?
      - 1. No, because crew involved not on duty. That evening there was an e-mail from Matt asking me to check in with him. It was my understanding talking with Piwtorak, who reached out to Price to give him a heads up.
  - e. Do you think it is appropriate for a Lieutenant to refuse to even tell the Human Resources Manager who was involved in a workplace incident until ordered to do so by you or a Battalion Chief?
    - i. It's my understanding that the tone of the conversation was that this could be a discipline situation.
    - ii. How about Lt. Hanf telling Cathy that he can "neither confirm nor deny" that anything

happened—when he was there—and that he “had to protect my guys”? Should that be the focus of a fire lieutenant, a manager—“protecting his guys”?

1. I believe that is appropriate—absolutely does not back down.

iii. Does this feel at all to you like the fire service circling the wagons to wall off any inquiry from the “outside” and avoid possible consequences?

1. Refuses to acknowledge that it looks like that.

5. In the wake of this, did you take any action to instruct Lt. Hanf or anyone else about how to handle inquiries of this kind from HR in the future?

a. No, no opportunity to have this discussion. In January 2016.

b. [If yes.] What did you do?

i. N/A.

c. [If no.] Then, you are fine with how this was handled?

i. Yes, see above.

iv. Chief, there is a fairly widespread perception among people in the Township, including some in your department, that there is a lack of accountability in the Fire Department—that employees know that misconduct or other performance failures, even pretty major ones, will not have any real consequences. I’m not saying that is true; I can say that is a fairly widespread perception. It is important for me to understand your views, so what is your response to that perception?

1. My response to that my perception is that if a matter is brought to my attention, I will take the time and opportunity to review it, analyze it, and ask questions. We in the Township have a tendency to jump to conclusions, so I take time. Some people aren’t happy about it; so be it.

2. Can you give me some examples of where you imposed significant consequences on firefighters for a failure to perform a job up to your expectations or for other disciplinary violations?

- a. Don't get that many.
- b. Can you name any?
  - i. Inspector Jack Allen—damaging a fire vehicle/ran a red light. Suspended; doesn't know how much, probably 2011.
  - ii. For a FF who tore a couple of doors off the ladder, Neal Brock, Christmas Eve two or three years ago. Also got time off, at least 24 hours.
- d. Have issues arisen involving the Fire Department's transport of patients with mental health issues within the Township or in cities within the Township?
  - i. Yes, with the City of Powell.
  - ii. Tell me what happened?
    - 1. In December 2015, adult female, under 21—response to home, 2 responses. Law enforcement and EMS. First call for report of attempted suicide, and EMS vehicle responded—read report.
    - 2. How did you respond to this, as Fire Chief?
      - a. Police Chief Vest called me and he was loud and not happy. "Your guys did it again." I told him that he would have to fill me in; I was in my car. "Your guys didn't transport"; I replied that I needed to look into it. I continued back to station. Concluded that this young lady was transported safely to a facility that was appropriate.
      - i. [I am stunned by initial answer—he gives no acknowledgement at all that a very specific general order was not followed?!] After follow-up pressing, he agrees general order was not complied with—verbal reprimands for crew leader, BC got written up.
      - b. Chief, was there not a very clear General Order in place that persons with mental illness were to be transported to the hospital in our medic units and not by police?
        - i. Yes—but extremely evasive.

- ii. [If no or ambivalent.] Chief, I have seen this General Order—it says that Township EMS *shall* provide transport, with police assistance if needed, but in our medic vehicles.
      - 1. N/A.
    - c. Are you aware that not only Chief Vest but your own medical director was very disturbed about how this situation was handled?
      - i. He was not happy; we operate under Dr. Yamarick’s protocol.
      - ii. I discussed it with him before this meeting and before discipline. He feels that we should be transporting.
- iii. What action did you take in response to what happened here?
  - 1. See above.
  - 2. When did you let either the Trustees or Mr. Huffman know about what had happened [in February; happened in December].
    - a. I had a conversation with Matt in February. No one else that he recalls. Nothing comes to mind about dates
    - b. Isn’t it true, Chief, that one of the Trustees learned about this through Chief Vest and not from you—and two months after it happened?
      - i. Can’t dispute.
    - c. Sitting here today, do you think you should have advised Mr. Huffman or the Trustees about a significant dispute with the Powell Police on how a situation like this was handled?
      - i. If hindsight is 20/20, yes.
- iv. Did you reprimand the firefighters and lieutenant involved in this incident?
  - 1. Yes.

2. Did you do this on your own initiative or because Matt Huffman or a Trustee pressed you on it?
  - a. I did that because I had the opportunity to sit down with my medical director and discussed. After Matt Huffman talked with me.
  - b. Initially investigation, but no movement toward discipline.
  - c. The lieutenant on the scene said that he was not transporting the patient in “his medic”—in the face of a very clear protocol saying that mental illness cases are to be transported like any other medical issue. Don’t you see that as a serious violation, particularly from a command officer who is supposed to be ensuring compliance with procedures?
    - i. A number of things needed to happen, we needed to get investigation done. I normally would have assigned that task to Capt. Piwtorak—would have come under his umbrella. Chief Vest called me the week of Christmas, then he was going on vacation for the rest of the year. Approached Bill—we needed information, records, run report. But Bill said, “the officer needs demoted,” before there was an investigation. I was concerned; would not assign it to him. I went ahead and conducted myself. Bill provided documents to me. I spoke with PD, Chief Vest several times, then met with crew members and Battalion Chief, and this was slowed down with holidays, came back after the first of the year. Sat down with Piwtorak again. This is an ongoing subject—directive and a handshake agreement, whose responsibility? This incident touches the surface of a very big subject—the handling of those patients. All that happened by the middle of January
3. When were those reprimands prepared?
  - a. February—after Matt Huffman talked with me. But I had not had that final meeting with Dr. Yamarick.
  - b. Where they placed in the employees’ personnel files, and if so, when?

- i. When I handed them to Cathy.
  - ii. Why did Cathy Buehrer have to ask for them several times before you gave her copies?
    1. She asked me to bring over. I don't believe that her account is correct.
    2. Had you written the reprimands prior to her asking for a copy?
      - a. Yes.
- v. Did you hear from or talk with any representatives from the union about these reprimands and the possibility of the Union filing a grievance?
1. Very brief exchange—I was in a hurry to get out the door, can't recall where to. Three of them stepped into the office.
  2. Tell me everything you recall about that discussion.
    - a. It was very short; I had to get out the door. They were concerned about the write-ups. They said that they were considering a grievance. If there was more time, we would have sat down and discussed it. I was asking them—"let the dust settle on this thing so we can work through it. It's still very raw, still trying to get the matter done." "Rather than jumping into the grievance, letting the dust settle, at some point this whole thing . . . [long pause] . . ." I was hoping we would have the opportunity to discuss it further.
    - b. Who was present at that conversation?
      - i. Scott Simmons, Chalaco Clark, and Neal Brock.
    - c. Did you tell the union representatives something to the effect of "There is a lot going on above me; give me a couple of weeks, and these will go away."
      - i. I did say "there was a lot going on above me," but did not say "these will go away."
      - ii. [If yes.] Why did you tell them that?
        1. N/A.

- iii. [If no.] I have a number of witnesses, including people who support you as chief, quoting you as saying something very close to or exactly that. Are they lying to me?
  - 1. I can't speak to that.
  - 2. [He just doesn't get it.] My priority was dealing with the police department so that this doesn't happen again. There was not communication between the departments. I have been there as a dad—my son has been transported twice.
  
- 8. Let's talk some about how you work with Cathy Buehrer in her HR role for the Township. What was your feeling about the creation of that role within the Township?
  - a. Absolutely. I have been here for 27 years, and until 2015 the Township had never formally had an HR department or individual. Over those years, those responsibilities fell on Assistant Fire Chief, and I took over those duties.
  - b. In what areas did you work with her in her HR capacity?
    - i. It was somewhat challenging—not because of the relationship but because of the newness of it. Workers' comp issues, FMLA issues. She did not handle payroll; that was through someone else. Typically did not discuss discipline issues. With union negotiations, not part of actual meetings.
    - ii. Were there any issues or problems that arose in how you and your department worked with Ms. Buehrer in her HR role?
      - 1. I believe so yes.
      - 2. Tell me about the areas where there may have been issues.
        - a. When it was announced that Cathy had HR responsibilities, we invited her to monthly battalion chiefs meetings to discuss incorporating that role into our world. At that meeting in the fall, we asked Cathy to compile list of her responsibilities; never received. We did discuss her role with BWC and FMLA. We were waiting for the list. I do not recall following up with her on this list.
  - c. What were the procedures that your department was expected to follow when it came to responding to a workplace injury and the resulting workers' comp claim?

Walk me through what your department was expected to do and how you were expected to work with Cathy Buehrer in processing that claim.

- i. If an individual were injured on duty, reported to immediate supervisor, probably lieutenant. Either immediate medical attention, fill out internal first report of injury that requires info and state FROI that could be printed off and taken with individual to medical facility. If person went home and came back to work, then the same steps. Also to be sent to Cathy so she would know.
- ii. Were there times where the Township denied certification of workers' comp claims because you or others within your department did not notify Ms. Buehrer about an injury or that someone was off work or provided her the paperwork in a timely way?
  1. I am aware of one.
  2. [If yes.] Tell me more about that.
    - a. FF Sean Neal. I went to Duane Price and had a lengthy discussion about this. He was off a couple of days which complicated getting paperwork completed. Price handled situation with Lieutenant to make sure paperwork taken care of.
    - b. There were e-mails directed at several individuals. Knew that there was a problem.
    - c. Another incident where she denied a claim and I didn't agree.
    - d. Finally admits that this has been a problem and had to tell chiefs to fix it. I believe it was fixed on the last occasion. Never communicated these steps to Ms. Buehrer in a formal manner, but I have informally discussed it with her.
  3. [If no.] Chief, in my interview with Cathy Buehrer, she provided me several e-mail exchanges with you where she was pleading for information to process claims and telling you that she would have to deny certification of a possibly valid claim because she had no documentation of what had happened. Is that a correct account, in your view, or is there a different viewpoint that you want to share?
    - a. N/A.



4. What is the impact on the employees involved of this disconnect between your department and HR on the handling of workers' comp claims?
  - a. I don't really know.
  - b. Can that result in a delay for employees getting their medical expenses paid or getting benefits paid when an employee can't work?
    - i. Absolutely. And that's been communicated to the staff.
5. Did your department have a practice of allowing employees getting treatment for a work-related injury—not on the day of the injury but follow-up treatment much later—to use work time and a fire department vehicle to go to a medical appointment?
  - a. Yes.
  - b. Do you recall communications from Cathy Buehrer on whether that was appropriate or consistent with Township policy?
    - i. Yes. That practice then changed.
- d. Now, let's talk about the process for creating a new position or revising a position description. Who ultimately has to approve any new or revised position?
  - i. Board of Trustees.
  - ii. In preparing to go to the Trustees for approval of a new or changed position, what is the procedure for what you do and what role HR plays?
    1. I can't give you an answer because the sequence was never spelled out. No idea. E-mails to Cathy? To edit or provide another set of eyes. No requirement to work with her. Never called to ask her. [Double check against e-mails.] I was aware that Trustees wanted her to update job descriptions, knew that around the time we decided to begin process or hiring PT FF/Paramedics, early this year.

2. Have any issues arisen on how you have worked with HR in that process of proposing a new job and developing a job description? (Jim Cirigliano)
  - a. Long pause. I became aware of Cathy's dissatisfaction after creation of FD administrative specialist position and Board's approval of bringing Cirigliano into FD in a full-time capacity.
  - b. Why did you not involve Ms. Buehrer in the development of that proposed position in your department?
    - i. Historically, never having HR's involvement. Cirigliano was his PT administrative assistant. Did not know of Trustees' focus for Cathy's position. Keeps insisting on clear, written responsibilities for the role.
    - ii. Do you know how she first learned of the proposed new position?
      1. No.
  - c. When she finally did review it, did she find any problems with what you, Dr. Gerber, and Mr. Cirigliano had prepared?
    - i. Reading the e-mail. (Errors in description, listed as a temporary position.)
    - ii. Wasn't one of the whole points of this process to create a position where Mr. Cirigliano would still have health care benefits, but the position description that you had prepared listed him as a temporary position, which means he would not be eligible for health benefits?
      1. No, I needed help. Jim had proven himself. Did not look at others; this was for Jim.
      2. Won't acknowledge mistake—finally admits that it was an error.

- e. At one point, did you give Cathy Buehrer a coffee mug and apologize, saying “I know that I screwed everything up on HR; let’s clean slate it.”
  - i. I didn’t say I screwed up but I approached her, gave her a coffee mug and apologized, and it was a good faith effort to extend an olive branch. Creating HR was a long process, critical that it succeeds, and I want to move forward.
  - ii. Did you feel that you had not worked effectively with her at that point?
    - 1. Cathy and I got along pretty well. Incorporating HR position into Township was handled poorly. I own some of it.
- f. How and where are the personnel files of firefighters maintained in the Fire Department?
  - i. They are secured in a cabinet, locked, in Station 322 at the moment, evidence/records retention room. Now in 322; moved about a year ago. Before that secured in Station 321 in computer/records retention room.
  - ii. Who has custody of those files?
    - 1. I have a key and Jim Cirigliano had a key when he came over as management assistant.
    - 2. Does that mean that you are primarily responsible for maintaining those files?
      - a. Another long pause—I guess it would have to be me.
    - 3. Do you believe that those files were up to date and complete at the time you were placed on administrative leave?
      - a. No, they were not. Because there is a stack of documents locked in a file cabinet in my office that needed to be filed.
      - b. Are you aware that Cathy Buehrer found a drawer full of personnel records in your office, including disciplinary actions, piled in a drawer without any organization at all—some of them going back to 2009?
        - i. If you say so.
        - ii. Would anyone else know what was in the file drawer?

1. Jim knew that there were documents in the drawer but not details.
  - iii. So if, God forbid, something happened to you and you were not around, and there was a public records request for employee personnel records, how would the Township be able to comply with those requests?
    1. It would be difficult.
  - iv. Do you know if the reprimands of those firefighters who refused to transport the mental-health case to the hospital in December were in that drawer?
    1. They were never in that drawer but in investigations file in my desk.
9. Let's talk about the development of an employee health and wellness plan. Let's start with—what was the program and how was it adopted?
  - a. Creation of philosophy and program, a holistic physical and mental approach. I worked with union health and wellness committee, in 2010 or so. Interested in initiating program, and we had applied for funds from Assistant to Firefighters Program through FEMA, so each station has workout stations. We also wanted department-sponsored physicals. In 2011 or so, rewarded grant, received equipment, physicals based on NFPA physicals by vendor. Continued to do the process, had some challenges with the funding and trying to prioritize dollars. Continued to work with Health and Wellness Committee through Labor-Management. In each of last few contracts, language on health and wellness program—kept getting passed from contract to contract. In 2014-15, spent a great deal of time to work with labor-management to develop ground rules before negotiations. That incorporated another set of physicals. We were looking to do annual physicals if we could afford it. There was a brief period of time looking at BWC; some look at it, but it would have to incorporate entire Township, and there was just not enough time. [Cathy's account: When Dave was here; this was his baby and he was very into this. He had me looking into this, including grants. In 2013, he and the Chief had me do all this research on BWC grants, which I spent hours doing. Part of the contingency was that the whole Township had to be involved with it—I told Jensen and Dave to slow down to incorporate whole Township, but Dave and Tim Jensen plowed ahead with physicals in 2014.]
  - b. When was it first supposed to start?

- i. First set in around 2011 through federal grant, another set in November 2013.
- ii. And what was supposed to happen at that point? Walk me through the steps and procedure.
  - 1. 2011—For the first time, there was anxiety by employees—we had to show it was not a punitive effort. By design, I participate in physical (as an example), I get complete set to take back to personal physicals. Employer gets one of three documents from the vendor—one letter says fit for duty, no problems; you could get second letter called a 90-day letter—we have found anomaly, please follow up with physician; letter # 3 said, “Stop, you have a critical medical condition. Not certified to be on the truck and do your job.”
    - a. There should be a letter in each file. No one received a letter # 3. We had 2-3 get 90-day letters.
    - b. What follow-up? Employees followed up with personal physicians; one employee was taken off truck until medically cleared to come back to work. The other had a condition since childhood; did not prohibit working
  - 2. 2013 process was the same.
  - 3. Did Matt Huffman ask you questions on the status of that program late last year?
    - a. Does not recall a specific conversation. Can’t recall specifics [Cathy’s account: It wasn’t until September or October of this past year, I saw resolution from past year—“whatever happened with them?” Matt and I started asking questions in November—got no real response. But then the Chief said, “We need to do physicals and have a committee”—as if nothing had happened.]
- c. Going back a year, did you make any announcements about this program in late 2014?
  - i. I know I have been in front of the Board. [From Cathy Buehrer] In 2014, he made a whole presentation to the Board about the importance of the program (November 2014 meeting).
  - ii. What happened after that? (Company came in).

1. We were looking to begin the process of conducting physicals in 2015. I had been in touch with vendor who did first two sets, and we had begun conversations with Mount Carmel Health Systems, which has a stand-alone fitness program in a brick and mortar building nearby. But the vendor we had worked with before stopped work in this area, and that delayed process, along with the negotiations. We put concrete parameters for minimal fitness and consequences in the contract.
- iii. Do you know how much those fitness assessments cost that year?
1. I budget around \$20,000. [Around \$25,000].
- iv. What follow-up with the affected employees was supposed to happen after the fitness assessments?
1. See above.
  2. Who was responsible for ensuring that that happened?
    - a. I am.
  3. Were you the person who primarily designed this program?
    - a. No, it was a collaborative effort with the labor-management committee. Within management, it was me—I was the sole management representative.
- v. So, what happened—what was done with the results of the 2013 annual physicals results?
1. See above.
  2. Did any employees receive notices of their status and what they had to do?
    - a. Yes.
    - b. It is my understanding that four employees received 90-day follow-up notices—who were they?
      - i. There were several, not sure how many. Four sounds about right.
      - ii. It is my understanding that when you met with Matt Huffman and Cathy Buehrer after she took over HR

again in February 2016, Matt asked you about this, and you said that four people received notices following the 2013 that they needed to get 90-day follow up with an action plan. They report that you said that one was a FF who had TB as a child and another had a chronic condition. But you also named Bennie Minturn and Sally McCann-Mirise, who were no longer in the workforce. But they both quit in 2013 and weren't even here when the assessments happened. So, who are the four employees?

1. At that time, McCann-Mirise had retired, and FF Minturn had left. Based on recollection, these two names plus Lt. Tom Saunders and FF Neal Brock.
  2. [If he can't answer.] Chief, why did you name two employees who weren't even here at the time when the Administrator asked you this question?
    - a. Check this.
3. Was there supposed to be follow-up with those employees at some point?
- a. I don't recall what follow up with those two.
  - b. Did that happen?
    - i. N/A.
    - ii. Why were the 90-day notices to these employees not followed up on?
      1. I don't know if there was any follow-up.
- d. What if anything has happened with the 2015-16 annual physical examinations and assessments?
- i. Prior to leave, the incorporation of the actual standards in the labor agreement so we could begin the process of securing the vendor. Spent some time with Mount Carmel, touring the facility which is under construction, members of labor-management committee visited the site,

and we were looking for continuity of care. Committee member did an exam/physical to assess it.

- ii. What costs would be involved with this, if you know?
  - 1. It was too early.
- iii. Did you ever discuss proceeding with the 2016 program, with either Mr. Huffman or the Trustees?
  - 1. I don't believe that we had gotten to the point of formally discussing it.

10. Let's talk about some other issues or projects that may have been involved in your work as Fire Chief.

a. Was the Fire Department ever involved with schools, the police, or other agencies in multi-agency planning for emergencies—for example, an active shooter situation or other aggressive situation of that kind?

i. Yes, active-aggressor program. [Active shooter plan.]

ii. Tell me more about what happened with regard to that planning process.

1. I can't cite one specific reason why it became a significant initiative. It was an accumulation of efforts by individual staff members of my department, Police Department, and the Sheriff's Office in response to growing concern for potential of incident in our schools or other public setting. There have been a number of hands that have worked on this, using resources from Federal Government on how to put together a team, etc. We have an internal committee in the Fire Department that was tasked with best practices, and it made sense to work with Powell Police Department to craft a model that we could practice for our community. It would have to incorporate DCSO because many schools are outside Powell's limits, so it has to encompass entire Township. It's been quite successful, culminating in actual drill in the Powell Village Academy.

2. What triggered your department having a role?

a. Can't recall.

3. When Trustee Eichhorn asked if there was anything else needed, she said it was a battalion chief, not you, who said that the Fire Department needed a seat at the table with the schools in this



planning process. Do you think that's a correct assessment or do you have a different view?

- a. That is correct, that sparks a memory. But we had the process well along before that. But the need was to get into the schools. Schools have to have an emergency action plan in place, and the South Delaware Career Center provided a plan, and several school plans had not involved us.
  - b. Trustee Eichhorn is very active in the schools, and she had a meeting with Matt Huffman and the Superintendent.
  - c. Trustee Eichhorn's contact with the Superintendent was successful, and that established a connection. When we had that meeting, that was when we learned about protective glazing.
  - d. Why no contact prior to that time?
    - i. I can't give a specific reason. Our efforts in developing this plan had reached the point when we were going to approach the schools, and the timing was fortuitous.
- b. Chief, I am aware that there was a previous study by another attorney of the Fire Department and its operations and leadership, which many call the "Comstock Report." I have not read it nor have I asked to read it because I want to be able to reach my own conclusions free of being influenced by someone else's view of the situation. But it is my understanding that there were some implementation steps in that report. Is that correct, from your recollection?
- i. Yes.
  - ii. With regard to each of those implementation steps, what action have you taken to implement those recommendations?
    1. Several. Despite what I feel was the unenthusiastic reception from the Board of Trustees, the document was a road map. One of the comments was that there was a very comprehensive list of SOPs and SOGs (guidelines). But they are living documents that need to be reviewed and updated, so we had an all-hands officers meeting in February, and one issue was assigning various officers to go through and update.

2. One of them was that we are understaffed and underfunded—but we have to work within the funds that we have. We were looking at incorporating part-time staffing. In August, the battalion chiefs and I, and Jim had a retreat—we left with two immediate steps, staffing and looking at our fleet. We worked with Dr. Gerber to ensure funding, then approached the Board with request for part-time staff as well as replacement of fire engine.
        3. Mr. Comstock also noted that an issue with my ability to delegate and accountability, primarily with the officers. He was recommending that I take a more . . . not shy away from uncomfortable situations. Be resourceful and use your staff, because your time is limited. I provided to the Board a needs assessment for this fire truck, including the type of truck—I gave that to three lieutenants and stepped back, and they came back with comprehensive, well-done report that recommended the less expensive truck.
        4. I suspect that there were a few others, but they escape me.
11. I have a couple of other issues of a possible disciplinary nature I want to discuss with you.
  - a. Are you aware or have you ever been told that Firefighter Mickey Smith called Trustee Lenaghan a “fucking bitch” to her face, perhaps twice?
    - i. Years ago. I did not hear him say it.
    - ii. What do you know about that allegation or those incidents?
      1. Trustee Lenaghan phoned me and said that at a board meeting, working through a crowd of people, and said that she thought that she had heard Mickey Smith say that.
      2. That’s the only incident.
    - iii. Did you ever take any steps to investigate whether this happened?
      1. She was a fairly new elected official, and I asked her to put it into writing the circumstances, and articulated to her that if we are going to pursue a process, we have to have a document in writing. She never did that.
    - iv. What action if any did you take?
      1. That ended the matter.

2. I give hypothetical of a firefighter calling a resident a “fucking nigger.” Would you pursue this even if the resident refused to provide a written complaint?
    - a. Yes, would have to pursue even with no written complaint.
  3. [If no written complaint. . . ] Now, Chief—I understand that employees are free to dislike elected officials, even intensely so, but isn’t calling an elected official “a fucking bitch”—which is not only obscene speech but a sexist slur—way beyond the pale?
    - a. If it happened, yes. But he stopped there.
  4. Did you ever discuss this issue or claim with Trustee Lenaghan?
    - a. I don’t know; it was four years ago.
    - b. Tell me about any of those discussions?
      - i. I don’t recall.
  5. Were you aware that your former secretary Kathy Melvin may have heard Mr. Smith say this?
    - a. No I am not.
- b. Have there been any issues involving possible theft or disappearance of medical supplies in the Fire Department?
- i. Yes.
  - ii. Tell me what happened and what action you took in response.
    1. This would have been roughly in 2013 time period. Two instances that I can recall. The first was the disappearance of a medication stored in a truck that we no longer have—medication in event of exposure to cyanide. I was notified by then Capt. Piwtorak that drugs were missing from kit on truck, noticed during monthly inspection. Upon discovery, DCSO notified, Pharmacy Board, DEA—by Capt. Piwtorak.
    2. What was the outcome or resolution of that issue?
      - a. At the end of the investigation, no one was identified, meds removed from vehicle (no need to carry).

- b. Second instance—after roll-call, off-going and on-coming paramedic sign off on drug counts. It was discovered that plastic, numbered tags to secure cabinet (and noted on report)—can't recall what was missing but something significant was gone. Same agencies contacted, Det. Sgt. Randy Pohl was involved. In discussions with investigators, went through several scenarios, including polygraphing everyone. They could not identify who the thief was. We ended up reviewing and updating accountability steps, Pohl spoke with each of the shifts about severity of the crime that could jeopardize paramedic license and department's pharmacy license. Pohl was taken seriously. Piwtorak's efforts have led to Pharmacy Board being pleased in inspections.
  
- iii. How seriously did you see this as an issue?
  - 1. Quite serious.
  
- iv. Do you think the investigation and the response were as aggressive as they should have been?
  - 1. Yes, because I took the lead from the Sheriff's Office, from law enforcement. Followed recommendations afterwards based on what Piwtorak was providing.
  - 2. As an administrative investigation separate from the criminal investigation by the DCSO, did you ever consider conducting polygraph examinations of those FFs with access to the missing drugs?
    - a. Yes. I talked with Administrator and Trustee and medical director. "Not practical."
    - b. Were all such FFs at least interviewed?
      - i. Yes, Capt. Piwtorak.
    - c. I ask because a battalion chief I interviewed said that it clearly looks like it was an inside job—the missing drugs were under other supplies that were left untouched, meaning whoever took them seemed to know exactly what he was looking for and where it was. That would likely point to a member of your staff. That's a pretty huge concern, right?

- i. It could look like an inside job. [So reluctant to answer any questions about this!].
      - ii. The urgency was to work with law enforcement and following best practices
    - d. Did you notify the Township Administrator or Trustees when this happened?
      - i. Yes, both Administrator Dave Anderson and Trustee Curt Sybert.
    - e. How long did it take after this incident to implement the enhanced security measures that Battalion Chief Piwtorak recommended?
      - i. I don't recall.
      - ii. I was told that it took months just to get locks changed—something that should have taken days at most. Is that correct?
        - 1. Period of time, not months.
12. I want to speak with you about some other issues involving how you respond to assignments and management of documentation.
- a. I understand that a Fire Chief's work hours vary immensely and that you can be called to duty at any time—that's the nature of your job. I get that it's not just a 9-to-5 job. But in a normal work day without emergencies, what do you consider to be your standard work hours?
    - i. Generally fluctuates between 8-4 or 9-5. Come in between 8 and 9.
    - ii. And on such a normal day, when do you consider your on-duty clock to start?
      - 1. It doesn't – 24 hours. The minute I set foot in my truck, which is an extension of my office.
      - 2. A couple of witnesses have reported to me hearing you say that the minute you cross the Township line on your drive into work, you consider that you have effectively started your work day, and that counts as being "on the clock." Is that accurate?

- a. I have no idea.
- b. [If yes.] Did anyone tell you that is the standard, or did you conclude that on your own?
  - i. I concluded that on my own.
  - ii. Do you tell any of the people below you, such as battalion chiefs, that that is their standard—if their shift starts at 8:00 a.m., it's OK as long as their car has crossed into Liberty Township by 8:00 a.m.?
    - 1. Actually, they are usually there earlier.
    - 2. Different standard for yourself. But confirms that no one else is “on time” by setting foot in the truck in the driveway.
- b. In your work life here at Liberty Township, how do you feel that you are generally when it comes to timeliness and promptness—in your schedule and in meeting deadlines?
  - i. No, I have struggled at times with timeliness.
  - ii. As Chief, do you think you are an effective role model for those below you in those areas?
    - 1. Not a role model for promptness.
  - iii. Have you ever heard the phrase “Jensen time”?
    - 1. Yes.
    - 2. [If yes.] What is it? What does it mean?
      - a. Usually means that I'm running a few minutes behind.
      - b. I have heard it from those under me and from other departments.
    - 3. [If no.] So you are not aware that both within your department and even other departments there is a quite widespread joke about “Jensen time” because you are seen as seldom arriving on time for meetings or other events scheduled to start at a certain time?
      - a. N/A.

4. Do you think that that reputation for being frequently late would affect the Department's ability to discipline firefighters or fire officers for being late to work themselves?
  - a. No.
  - b. You don't think that the union would raise that as an issue of disparate discipline in a grievance or arbitration hearing?
    - i. They haven't so far.
- c. Within the past six months, did Township Administrator Matt Huffman direct you to prepare any reports to him on how you handled personnel issues on how firefighters performed their duties? (Inspection incident and mental-health transport case).
  - i. Yes.
  - ii. On what matters, if you recall?
    1. See above.
  - iii. Did you provide him written reports as directed?
    1. Yes.
  - iv. Was either report provided by the date and time that he had directed?
    1. Both there on the date. The second report was e-mailed to him after 5:00.
    2. [If no.] How late were you, if you recall?
      - a. Short amount of time.
    3. [If yes.] Weren't you in fact late on both reports—with the mental-health transport issue by a few minutes and with the inspection report by over an hour?
      - a. I would have to look at the time lines.
      - b. In and of themselves, those delays are not all that severe. But you were given specific times—and weren't already aware that your timeliness and meeting deadlines was an issue—with the past Administrator and with the Trustees?

- i. Yes. But a lot of work to get these done, but never told anyone they would be late.
  - ii. What I want you to help me understand is—when you know that you’re dealing with a sensitive issue, because your boss has said “provide me with a report on this by this date and time,” and you know that your bosses have a concern about your timeliness, why would you not be ultra-careful to get the documents in before the deadline?
    - 1. My priority was giving them accurate reports. Matt was out of the office already for one of those dates—I plowed ahead and got them done.
    - 2. Put in his shoes?
      - a. It would bug me if subordinates missed deadlines.
- d. When a Trustee requests information from you regarding Fire Department operations, budget issues, or the like, do you believe that you are responsible for responding to that request?
  - i. I try to when time permits and when I can work it in. (!) Depends on the nature of the request. Does not always explain why not
  - ii. If you are unable to do so or have a problem with the request, what do you believe to be the appropriate course of action?
    - 1. Try to follow up with them.
  - iii. Two Trustees have cited instances in which they have requested information from you and have had no response at all. As a general matter, do you think that is accurate or do you think you have always been responsive?
    - 1. Mostly been responsive. Multiple requests? “Might be a problem.”
    - 2. Trustee Lenaghan requested by e-mail information on financial issues following the failure of the levy.
      - a. That was four years ago.



3. Trustee Eichhorn—cites the citizens' committee, the ice safety program.
  - a. Already covered.
- e. Did a gentleman who works at Walmart, whose life our EMS crews saved, ever contact you about holding a fundraiser to get more people EMS trained as part of his gratitude to the department?
  - i. I was approached by one of our firefighters about it, yes.
  - ii. What I have been informed is that he called a firefighter after repeatedly calling you without any response, asking what he had to do to get you to return a call. And this is someone who wants to facilitate a financial donation to the department. Do you recall this at all?
    1. I don't have the calls from the gentleman—I never got the call. I told the firefighter—let the gentleman know to get ahold of me. We have had some problems with our phone system.
13. I want to talk with you about a couple of issues relating to managing the department's budget and finances.
  - a. Tell me about the process you use in preparing the department's proposed budget.
    - i. Work closely with the Fiscal Officer—good relationship with your Fiscal Officer. I have some assistance with Lt. Ryan Hanf, who is excellent with Excel spreadsheets. We adopted neighbor's format, and I took advantage of his skill sets. Each battalion chief has responsibility to propose his areas. Also have 5-10 year capital budget plan, and I work with Fiscal Officer to incorporate that.
    - ii. Does anyone else play a key role in helping you prepare that budget proposal to the Trustees?
      1. Ryan Hanf.
      2. How about Lt. Ryan Hanf?
        - a. Covered.
        - b. What does he do for you in the budget preparation process?
          - i. Covered.

- c. At least some in the Township—though certainly not all—feel that you are very dependent on him in this process and lack the independent knowledge of and understanding of the budget as Chief. I want to give you a chance to give me your perspective on that.
  - i. Prior to working with Ryan I had a format for budgeting, but taking advantage of Ryan's expertise, it is far more effective. I draw from Ryan's experience and skill on that, and what Ryan does for me is plug ongoing expenditures into Excel.
  - ii. Trustee Lenighan describes a presentation on the budget after the first failure of the levy in which she as asking detailed questions on the impact on the budget and what cuts might be needed, and that rather than providing detailed financial information, you drew a picture of two firehouses and then slashed one of them and said, "that would be the impact." Is that what you recall, or do you remember this differently?
    - 1. It was a meeting at my office at the other station, just the two of us, going through scenarios. It was an attempt to illustrate—not a derogatory response. I wanted to equate in a visual manner on how services would be reduced.
- d. Was Lt. Ryan serving for much of this time as the Union's treasurer?
  - i. He was.
  - ii. Concerns? It could, but the budget is an open book. That's why I delegate—and there is nothing to hid.
- b. Over the past several years, who in your department has been primarily responsible for procuring and administering outside grants to the Fire Department?
  - i. Mickey Smith.
  - ii. What is his position?

1. Firefighter/Paramedic.
  2. Is he a management employee?
    - a. No.
- iii. That shows a lot of initiative on Mickey Smith's part. How did he come to perform that role?
1. With the Assistance to Firefighters grant through FEMA, around 2008-09 when I was Assistant Chief, I looked at these grants and attempted to submit. I developed a working relationship with Mickey and got our first grant. Mickey has a talent in deciphering what the feds want.
- iv. Was there a period when he was pulled off of or stopped working on grants?
1. There was.
  2. Why?
    - a. There was a discipline issue that went to arbitration and the township prevailed. In response to that, I shortened the leash with Mickey and I assumed some of his responsibility.
    - b. For how long?
      - i. Long enough to figure out that I needed Mickey to monitor and administer the grants.
    - c. Did he take up this responsibility again?
      - i. He did. We had to work on the relationship. He reports to me
      - ii. When—and what happened to cause that?
        1. See above.
- v. During the period that Mickey Smith was not overseeing the grants, were you responsible for ensuring that the reports to the granting agency that were required under the grants were being prepared and filed in a timely way?

1. Semi-annual reports, unless in tune it's easy to miss.
  2. Did you carry out that responsibility and file all the required interim reports and paperwork?
    - a. No, I did not.
    - b. [If yes.] Then why did Mickey Smith find when he logged back on to the website for the grants that none of the required reports had been filed during the period when he was off that task, requiring a lot of retroactive cleaning-up on his part?
      - i. N/A.
      - ii. If he had not cleaned up the failure to file these reports, do you know what the impact could have been when the grant was audited?
        1. It's like getting your taxes audited, may have had to pay money back.
14. When you were placed on administrative leave, were you given any directive about meeting or talking with employees of the Fire Department during the pendency of the investigation?
- a. I was.
  - b. What did you understand that directive to say?
    - i. I was not to come onto Township premises without Matt's permission or to discuss case with members of the Department.
    - ii. Did you understand that to be an order?
      1. Yes.
    - iii. Have you meet with or talked with any firefighters or fire officers while they were on a duty shift during the period of your administrative leave?
      1. Yes, see above.
      2. [If yes.] Tell me when this happened, who was involved, and what you discussed?
        - a. Yes, see above.

3. [If no.] There was a report that around the time of the Trustees' meeting on the evening of Monday, April 4, you were observed going into a room with firefighter and union vice president Scott Simmons and Battalion Chief Duane Price, both of whom were on duty at that time. Did that happen?
  - a. Already covered.
  - b. [If he admits.] Did you know that they were on their duty shift at that time?
    - i. Yes, I was invited in to look at iPads. Knew that they were on duty at that time.
  - c. What did you discuss?
    - i. See above. Duane invited me in, I did say "I need to go." Continued discussion.
    - ii. I did not "contact" them.

15. Is there anything else that I have not asked you that you think I ought to have asked you so that I have a better understanding of these issues and what is going on here?
  - a. It's in our supplemental information.

16. Information from Mr. Bittner:

This is the answer to the last question.

Response to documents provided late last Thursday in response to records request. See Chief's notes for the most part.

- Binder on Citizens' Advisory Committee. Paul will scan and send it to me. Each committee member received a binder like this, and Matt should have one. If I had been given a D-Day, I would have asked to talk about that. I was looking for a diverse group on the Committee, geographically and occupationally. The binder is extensive with a lot of information. They got the binder at the outset, and then I added to the binder as we went along. I also e-mailed them documents. Each meeting had an agenda; there were no minutes. The Committee's charge was in June 2014 and I was my father's primary caretaker (Alzheimer's); he died on December 21, 2014, first meeting was January 7, 2015.
- Ice Safety project: See notes. Township pond across the street had no signs. All ponds now have signs.

- Human Resources documents: See notes. I truly want to see this work; it took a tremendous amount of my time. I welcome taking things off my plate; we just stumbled on implementation. That is why I went to Cathy with a coffee mug.
- No evaluation since 2015 (for 2014).
- Response to summary of issues:
  - On reprimands, sense that reprimands weren't filed/done/turned over. The originals had been served, signed, and were in investigations file (not personnel files). Questions of personnel files—they should be in all one spot, but there were separate files. I normally would put them in our personnel files in the Fire Department—I knew that we needed to merge. Jim was filing as time permitted. Had not prepared or served reprimands before contact with Matt. Not a function of Matt's pressure—I had met with Dr. Yamarick, who was animated.
  - Statement that things were going to go away—this speaks to my integrity. It was under time constraints; they let me know that they were going to grieve this. The employees were hot under the collar. I said “given some time it would go away,” but I wasn't referring to the documents. That was not my intent.
- In November, I filed a Cease and Desist order against Trustee Lenaghan. Each October, department holds open house during Fire Prevention Week, and Trustee Lenaghan and Nancy Denutte, candidate for Fiscal Officer were walking around. I walked up to meet them; I had not met Nancy. Melanie asked to take a picture of us. Within days I began to hear that my picture was on Nancy's campaign FB page, along with Fire Prevention Officer Tom Saunders. Melanie picked up pictures on her personal and trustee/campaign FB page as well. Also appeared in a political mailer. I sent a cease and desist letter to Matt. I received a phone call on November 5, after the election, with two points:
  - Melanie asked me to look into the possibility of using volunteers. We discussed it. She said she had a name; he may have said “no one would volunteer.” There is an e-mail where I asked her to send me that name. I went ahead and called Columbus Division of Fire, which has an auxiliary corps to get an idea on how to incorporate that into fire department. Also looked at research projects of others that had done this.
  - She said, “The photo is the intellectual property of the photographer and can be used in any manner. I will have to get the resolution changed.” Resolution 13-041-08 (social media policy). Also an e-mail exchange between Lenaghan and Matt; he wrote on October 2 and she responded on October 5; “happy to remove Chief's picture.” At 11:03 p.m., she responded to Matt and Chief about picture of Chief at bonfire. Do you want me to remove it?
- I still don't recall any seminal event around the union vote several years ago.

Paul Bittner:

- Chief has described his response to Comstock Report, but the Board of Trustees has not made any substantive changes in response to the report. Chief: At one point, the Board had a resolution drafted to end the agreement with Mr. Comstock; I asked them to not consider doing that because I wanted the document.
- March 1 letter to the Chief: Chief was very conscientious about the direction he received. He did not contact any Liberty Township employees or officers; on site with Huffman's permission. He did not ask clarifying questions. This was not a comprehensive gag

order with the Chief. When contacted by newspaper, he contacted Matt Huffman before responding to inquiry.

- Chief received contact from former Township authority that I was biased against the Chief because of my view of protected status of police and fire chiefs.
- Most of this is long-ago history, going back to 2009. Chief is committed to this Township and this job, and has done nothing to warrant his removal.
- There are timing questions about complaint he made against Melanie Lenaghan and we'll deal with that if we have to.

17. Because this is a pending investigation and I need to be able to talk with everyone free of people sharing their stories and memories, you are ordered not discuss this interview, the investigation, the questions asked, or the answers given to anyone, with the obvious exception of your attorney, of course, and the restrictions applicable to your administrative leave remain in effect.

If anyone tries to speak with you about this investigation, please contact Matt Huffman.

**INTERVIEW WITH HON. MELANIE LENEGHAN**  
**Vice Chair, Board of Trustees**  
**Liberty Township**

**Thursday, March 24, 2016 at 1:00 p.m.**

1. Explain my background and role in conducting investigation.
  - a. Trustee Leneghan, as you are aware, I am conducting this investigation under the authority of the Board of Trustees of Liberty Township. You are obviously an elected official and not an employee, but I appreciate your making time to talk with me.
  - b. This is an administrative investigation for purposes of determining whether there are any employment or disciplinary issues in the Liberty Township Fire Department that the Township needs to address. While this is an investigation, and that often calls to mind police investigations that we see on television programs or that might follow a suspicious fire, this investigation is not at all criminal in nature, and we have no reason to believe that any issue of that kind exists. It is my purpose to get to the bottom of some issues that may need to be addressed by the Township Trustees and Township Administrator. While the Trustees will ultimately make the call on what do to here, I will give you my honest read and where the chips fall, they fall.
  - c. It is very important that you understand my questions before answering. Listen carefully before answering, make sure that you understand the question before answering, and feel free to ask me to rephrase or repeat. Please don't answer my question until you understand it, because once you answer it, I will conclude that you understood it and gave a truthful answer to the question.
  - d. If you need to take a break to go to the bathroom, get some air, or anything like that, just let me know—but I would ask that we not take a break if a question is pending.
  - e. I request that you answer every question I ask fully, completely, and honestly—even if the truthful answer puts you, an employee, or even the Fire Chief or Trustees in a bad light, even if the answer might cost someone else his or her job. That is the only way I can get to the truth and give you my most honest advice.
  - f. Do you understand these ground rules that I have reviewed here? Yes.
  - g. I am not recording this interview; are you recording it? No.
  - h. Do you have any questions before we proceed?
    - i. No.



2. What is your full legal name?
  - a. Melanie A. Leneghan.
3. How long have you served as Township Trustee?
  - a. Four years on January 1.
  - b. Have you held any other elective office?
    - i. No.
  - c. Do you have other employment currently?
    - i. No.
  - d. What significant prior work experience did you have before your election as Township Trustee?
    - i. I worked in corporate world as account executive—huge umbrella of responsibilities. I was in distribution business. Dutch company. Purchasing, receiving, distribution, accounts management.
4. How closely do you interact with Fire Chief Tim Jensen?
  - a. Initially, I attempted to interact closely with him because a fire levy was pending. However, he was not very cooperative—he did not want to. More limited than I needed it to be to do my job.
  - b. I have read and will carefully consider your detailed summary of issues. But briefly, how would you summarize your work relationship with him overall?
    - i. He has just been insubordinate, disrespectful, arrogant, and at times threatening to me. He has stood up at meetings and pointed at me and said that “every word out of my mouth was a lie.” It was years ago, in 2012, shortly after I took office—in 2012 I found out about levy. In a Trustee meeting, March or April—she will get me the date.
    - ii. But I continued to treat him kindly and respectfully.
    - iii. I continued to ask him repeatedly to show me what the budget would look like with current dollars, and he never got me the information—I had to go to the Union to get the numbers from Ryan Hanf, and Chalaco Clark was also there. They didn’t like the road I was heading, but they would respectfully give me the numbers. But Chief would not.

- iv. So I said that there is no way I would stand behind a 43% tax increase. Finally in a meeting he was trying to convince me, “I have asked you twenty times for this information,” and he said, “I’ll show you what it looks like” and drew two houses and X’ed through one of them. “That’s what it looks like”—he doesn’t understand budgeting.
- v. We were always on shaky grounds, but I tried to let it go and never attacked him or retaliated. He knew that one of the firefighters called me a “fucking bitch” twice, and he said, “You’ll have to file a report.” Mickey Smith was the firefighter. Nothing happened out of that. That was after levy failed in November-December 2012.
- vi. After levy failed, I wanted to meet with him to show him how budget could work without doing something stupid, but he would never meet with me. It was even difficult to get him to return a telephone call.
- vii. And ever since, if he doesn’t want to give me something, he simply doesn’t. Recently, I asked him to do some research on volunteer firefighters, and he never responded—just brought forward proposal for two firefighters. I asked this in a public meeting—I was asking for research to see if it is a good idea. The only answer is, “No one in this Township would ever volunteer.” But that’s not true. That is the reason I gave him a name.
  - 1. His top two needs are always a new engine and more firefighters.
  - 2. Yet his focus is diffuse—his numbers and budgeting are scattered and don’t reflect this. He tried to create a position without HR and Administrator’s involvement—and it wasn’t even in his budget.
- viii. Same thing for soft-billing for EMS (our fire department negotiating with a third-party biller—we would provide run reports and they would bill the individuals, and we would accept whatever insurance pays). He never stops crying poor.
- c. How do you think his credibility is with the firefighters and officers whom he leads?
  - i. Under his leadership, we have a grotesquely divided culture, and it’s very toxic. It’s at a backstabbing, horrible level. He never disciplines anyone. Because of his poor judgment, he does not recognize bad behavior when he sees it.
  - ii. There was vote of no confidence. But now they know that the foxes are running the henhouse, not the chief—and they like it that way. He is running an environment that he protects people.

- iii. Ryan Hanf would not answer HR's direct question—"I'm not answering your question; it's my job to protect my guys." Cathy can confirm.
  - iv. We found stuff in his office going all the way back to 2009 that has never been put in employees' files.
  - v. Last disciplinary action early this year, he told union in a private meeting, "In a couple of weeks, these things will all be gone." And he had to be forced to do it. I feel that it's insubordinate and unprofessional—and there is no credibility in that. That was reported to Cathy.
  - vi. They are sticking up for him because he will protect them when they don't do their job—he won't discipline them. They are afraid of a new chief who will.
- d. What are the strongest or most positive aspects of Chief Jensen's performance?
- i. Long pause—I'm not coming up with any.
  - ii. He doesn't show up on time, he's not a good leader or manager, they don't respect him. He doesn't give them direction and protects their weaknesses.
- e. What if any are the main deficiencies or shortfalls in his performance as Fire Chief?
- i. See above.
  - ii. Communication is not good—he does not communicate well with his people. Years ago, they decided that the union would investigate me when he told me that I offended a woman firefighter when you called her a token female. I explained context; I did not want to offend her and wanted to make sure that she was treated fairly in an overwhelmingly male environment. Months later, she filed a complaint of sexual harassment against me and wanted a public apology—he didn't fix that, and if it weren't fixed, he needed to come back to me.
  - iii. He recently was involved where we violated an agreement with the police department—and he informed no one.
  - iv. He wastes so much time—no fruit ever comes from what he does. He starts these committees—no fruit. He has been fighting for additional funding from Delaware County EMS—no results. Stop wasting our money and time.
5. From my review of the file and documents that Mr. Huffman and Ms. Buehrer provided, as well as my initial meeting with the two of them, I now want to turn to a discussion of some specific areas of concern. Let's start with issues involving Chief Hensen's general

leadership of the Fire Department under the direction of the Township Administrator and the Trustees. Do you know anything about the Chief spearheading a citizens' committee to build support for the fire levy and department?

- a. Yes.
- b. Tell me more about what happened.
  - i. Shyra's initiative, and I supported it. The PR of that department stinks because he was caught lying to the community—what he threatened would happen if the levy failed didn't. So, he agreed to do it. He does the community, and he tried to keep people not sharing his views off (Karl Salmon—conservative, against the levy, had to jump in his face). According to those who sat on the Committee, it was a complete waste of time—he was just a cheerleader for the department. Just meeting after meeting after meeting—then he stopped meetings in November. Mr. Salmon and Julie Losee (opposite people) came together to meet with Matt.
  - ii. Same thing with Delaware County EMS—meeting after meeting with no fruit.
  - iii. Was that project seen through to completion?
    1. No, see above.
- c. Do you know how the Fire Chief is viewed as a regional leader and player when it comes to regional fire and safety issues?
  - i. I haven't heard good things, but I don't know much specifics. Concord Township—they laugh at Liberty Township and how much money we waste. He is buddies with other chiefs who want more money from Delaware County.
- d. Tell me more about your feeling that the Chief has failed to lead when it comes to dealing with the bitterness of his firefighters toward the past failure of fire levies in elections.
  - i. Instead of being a leader and lifting them up, he dug the whole deeper. She does an Eeyore impression—someone called him that “Here comes Eeyore!” He needed to get them to look forward and take the hit—but instead he fed into their negativity. We had a firefighter come into public meeting to say that this community doesn't deserve them, and I won't put my life on the line for him. Chief did nothing about that—this kind of talk can't go on in contacts with customers.

- ii. Firefighters told parents of very at-risk child that they couldn't help after the levy—no disciplinary action.
- iii. Was there an incident involving your husband's business where firefighters came to perform an inspection?
  - 1. Yes.
  - 2. What is your husband's name?
    - a. Pat Leneghan.
    - b. What kind of business does he have and what is it called?
      - i. Small technology company.
    - c. Are you involved with or a part-owner of the business?
      - i. I only do certain things to help, but not an active partner.
  - 3. Tell me what happened.
    - a. My husband and his buddies were there—the guys come in. Steve (his partner said), "Hey, I haven't seen you guys for a while," and the response was, "Because the fire levy failed, a bunch of our friends are gone now, and now we have to do this." Steve doesn't even live in the township! When Cathy called, the lieutenant who was standing there (Ryan Hanf) when he said it refused to answer. This was two months ago. My husband walked out and heard it.
    - b. In what way was the behavior of the firefighter-inspectors unusual, in your view?
      - i. See above. They looked like unprofessional jerks to our commercial customers.
      - ii. They had no idea that it was my husband. So who else are they doing this with?
  - 4. Did you discuss your concerns about the behavior of the inspectors with Chief Jensen?
    - a. After my husband told me that, I went to see the Chief. The Chief did not come to work that day; he has said he would

be out part of the day to take his son to the doctor, but he did not return. I asked Lt. Saunders why he didn't do the inspector—fire inspector. I told him what happened, and Lt. Saunders said, "That was not OK to say." So did Piwtorak. He communicated that to the Chief, but he never called me. So I called Cathy, and she called Hanf, who refused to answer. "I'm not saying that he did and I'm not saying that he didn't. I'm not saying anything until I talk with by battalion chief, because I have to protect my guys."

- i. [If yes.] Tell me about that conversation.
  1. See above.
  2. Do you know if he took any action in response to that conversation?
    - a. He was forced to take action by Matt—from what I have been told.
  - b. Did you share your concerns with anyone else in the Township?
    - i. I talked with Cathy, Lt. Saunders, and Matt.
6. Does Liberty Township do any top-level planning with the Trustees and all of the department heads?
  - a. Recently, we have tried to do that. Historically, before Shyra and Tom, we directed the Administrator to do that. Shyra and Tom had more of an active role, but we have had strategic planning sessions with the department heads.
  - b. What role has Chief Jensen played in that process?
    - i. He was here for part of the meeting, but the Chief has a way of rambling on and on and on without saying much. It seems very grey. Mentioned third station—but never in the budget or the numbers. No planning for it; just "we're gonna need it." No groundwork, plan to save for it, property planning.
    - ii. Was there anything about how he followed up with that process that gave you concern?
      1. There is no follow-up, ever, on anything—unless it is something he has at his fingertips.

- c. Have any local governments or school districts requested Chief Jensen’s assistance in projects relating to public safety or emergency medical care, to your knowledge?
    - i. I am not familiar with that.
    - ii. [Active shooter plan] Tell me more about what happened with regard to that planning process.
      - 1. N/A.
7. Did Chief Jensen ever receive direction from one of the Trustees about developing a winter safety program in the last couple of years, to your knowledge?
- a. Not familiar.
  - b. Tell me about what happened with regard to this ice safety program, if you know.
    - i. N/A.
8. You referred to him being unprofessional with constituents—Ron at the Collection and Committee members.
- a. Who is Ron at the Collection?
    - i. The Collection is a furniture business owned by Ron and Ann \_\_\_\_\_.
    - ii. What happened?
      - 1. Two years ago this summer, their business caught on fire, and Jensen was officer on command. Ron ran over and said Chief was very rude and arrogant; “This is my scene now, get out” when he was trying to tell him that he did roof work and it’s going to ignite. At that time, it was minimum damage—chief pulled everyone out and left. Building reignited and Ron is now out of business. They left a second time and it reignited a third time. They could have left a truck.
  - b. What are you referring to with Committee members?
    - i. Talked about above.
    - ii. Goes to City of Powell meetings and whines about not having enough money.
9. What is the reference to Bennie Minturn and a reference to him being a danger?

- a. We had a firefighter named Bennie Minturn, who was a danger to himself and his colleagues—came to work impaired (alcohol and drug). Colleagues went to lieutenants who went to Chief who did nothing. Nothing in file. He volunteered to be laid off in early 2013. Chalaco Clark told me about this. When it came his time to come back, he could not pass a lot of the physical tests—Union said he shouldn't have to, and that's when it came to me (in 2014).
    - i. I just learned of alleged drug theft—chief never made me aware of that. (Did he tell Dave Anderson?—Cathy says yes.)
  - b. Tell me more about an employee cursing you to your face.
    - i. See above.
    - ii. When and how did you report this to the Chief?
      - 1. See above.
      - 2. And what happened?
        - a. Nothing—see above.
10. Tell me more about the EMS soft billing issue.
- a. Already covered.
  - b. And I'd like to hear more about the volunteer firefighter issue.
    - i. Covered above.
    - ii. Is this something that is your initiative or are the Trustees as a Board moving in that direction?
      - 1. My initiative, but it was in a public meeting and the other Trustees did not object.
      - 2. I asked for a monthly progress report on an issue—never got anything from him.
11. Are there any other areas involving Chief Jensen's job performance that you think we have not covered that I need to know about?
- a. I think we've covered it—I don't think he has what it takes to plan for the future needs of this community. He isn't competent—and doesn't seem to care. "I am what I am" seems to be his attitude.



12. Is there anything else that I have not asked you that you think I ought to have asked you so that I have a better understanding of these issues and what is going on here?
- a. There are some dynamics that might be helpful as I ask people questions. The culture that has been propagated here in the Fire Department is that the only way to get promoted is to kiss the ring. We're seeing backstabbing, protecting. The Chief was not the right pick when he got the job, but it was a cronyism thing. Chief Bernance, the prior chief, wanted Jensen—but he probably wasn't the best one for the job. There are those who are willing to kiss the ring and those who are not—and that has created a huge division.
  - b. They wanted the Chief gone when the levy failed, but now they are back and hoping that they can kiss the ring and get ahead. You will have to pull the answers out of them.
  - c. His incompetence has been protected by political cronyism.
13. Because this is a pending investigation and I need to be able to talk with everyone free of people sharing their stories and memories, I strongly request that you not discuss this interview, the investigation, the questions asked, or the answers given with anyone, particularly with anyone in the Fire Department or Chief Jensen, of course.

If anyone tries to speak with you about this investigation, please contact me.

**INTERVIEW WITH HON. THOMAS MITCHELL, Ph.D.**  
**Member, Board of Trustees**  
**Liberty Township**

**Wednesday, March 30, 2016 at 7:00 a.m.**

1. Explain my background and role in conducting investigation.
  - a. Dr. Mitchell, as you are aware, I am conducting this investigation under the authority of the Board of Trustees of Liberty Township. You are obviously an elected official and not an employee, but I appreciate your making time to talk with me.
  - b. This is an administrative investigation for purposes of determining whether there are any employment or disciplinary issues in the Liberty Township Fire Department that the Township needs to address. While this is an investigation, and that often calls to mind police investigations that we see on television programs or that might follow a suspicious fire, this investigation is not at all criminal in nature, and we have no reason to believe that any issue of that kind exists. It is my purpose to get to the bottom of some issues that may need to be addressed by the Township Trustees and Township Administrator. While the Trustees will ultimately make the call on what do to here, I will give you my honest read and where the chips fall, they fall.
  - c. It is very important that you understand my questions before answering. Listen carefully before answering, make sure that you understand the question before answering, and feel free to ask me to rephrase or repeat. Please don't answer my question until you understand it, because once you answer it, I will conclude that you understood it and gave a truthful answer to the question.
  - d. If you need to take a break to go to the bathroom, get some air, or anything like that, just let me know—but I would ask that we not take a break if a question is pending.
  - e. I request that you answer every question I ask fully, completely, and honestly—even if the truthful answer puts you, an employee, or even the Fire Chief or Trustees in a bad light, even if the answer might cost someone else his or her job. That is the only way I can get to the truth and give you my most honest advice.
  - f. Do you understand these ground rules that I have reviewed here? Yes.
  - g. I am not recording this interview; are you recording it? No.
  - h. Did anyone else besides me talk to you about this interview or investigation or in any way pressure you or tell you anything about what to say or not to say to me today?

- i. No.
- i. Do you have any questions before we proceed?
  - i. No.
- 2. What is your full legal name?
  - a. Thomas K. Mitchell, Ph.D.
- 3. How long have you served as Township Trustee?
  - a. Since January 2014.
  - b. Have you held any other elective office?
    - i. No.
  - c. Do you have other employment currently?
    - i. Professor of microbiology and genetics in the College of Agriculture at Ohio State; mainly research.
  - d. What significant prior work experience did you have before your election as Township Trustee?
    - i. Entire career in academia—at Ohio State for eight years, before that North Carolina State.
- 4. Before we get into the management of the Fire Department, tell me about the recent attempts to pass a fire levy, what happened, and what the impact was on the Fire Department.
  - a. First attempt—predated his service, and this was one of the reasons I ran for office.
    - i. What happened?
      - 1. N/A.
    - ii. Aftermath.
      - 1. Layoffs?
        - a. N/A.

2. Climate—relationship of firefighters with Chief, Trustees, and rest of the Township.
    - a. N/A.
  - b. Second attempt—was this one successful?
    - i. N/A.
    - ii. What has been the ongoing impact in how the Fire Department functions, in your view?
      1. The levy hit the guys pretty hard. My opinion is that they felt that the community is not behind us. But the issue was that certain people poisoned it with the public, namely Lenaghan. The spirit and morale of the men went down. It's recovering and has largely recovered, but when you have a Trustee who keeps putting it in front of them and talking negatively to the public, it hurts the guys.
5. How closely do you interact with Fire Chief Tim Jensen?
- a. During my first year, I would meet with him every six weeks or so. Lately it's been a little bit less because of my schedule. We don't interact over e-mail or phone.
  - b. How has your work relationship been with him overall?
    - i. Professional, very informative. Positive.
  - c. Is he effective in his role as a leader in the department, in your view?
    - i. Leadership has many different facets. As far as planning and managing the department, he is highly effective. He is creative and forward-thinking. He does suffer from lack of execution, but not necessarily would he use lack of follow through. It is slow in coming and not always to the magnitude to what you'd expect.
    - ii. Example: Creation of battalion chiefs took a long time to get done, but once it's done, it's done well. But it takes him a long time to get to the activation point, which frustrates people.
  - d. How do you think his credibility is with the firefighters and officers whom he leads?
    - i. That's a really good question, but I don't know. I had an opinion that he was not well regarded based on talking with certain firemen. But in the last six months, I have had more of a chance to talk to firefighters and he has

good credibility. With the leadership of the Union, the vocal minority, he has none.

- e. How about his credibility with the Board of Trustees?
    - i. Melanie hates him and Shyra listens to the vocal minority of the firemen and draws his conclusions from there. I have more respect with him. Mark Gerber, outgoing fiscal officer, has high regard for the Chief, and he has worked with him for eight years now.
    - ii. Why is that?
      - 1. Already covered.
  - f. What are the strongest or most positive aspects of Chief Jensen's performance?
    - i. He thinks, he plans, and he has a vision for the department, such as accreditation and creative financing and funding. He doesn't mail it in, and he strongly considers everything he does—though getting things done is slow. His planning and vision are very strong.
  - g. What if any are the main deficiencies or shortfalls in his performance as Fire Chief?
    - i. Getting stuff done in a timely manner. He has plans and thoughts and everything very well organized, but exacting those plans in a timely manner is an issue.
    - ii. Sometimes it is pushback—for example the health program for the firefighters was resisted by the union leadership, they were the ones who blocked it.
    - iii. He is like Eeyore—the cup is half empty for him, and that attitude doesn't help.
6. From my review of the file and documents that Mr. Huffman and Ms. Buehrer provided, as well as my initial meeting with the two of them, I now want to turn to a discussion of some specific areas of concern. Let's start with issues involving Chief Jensen's general leadership of the Fire Department under the direction of the Township Administrator and the Trustees. Have you had issues where you feel he has either really risen to the occasion or where he may have fallen short? Let's take them one at a time.
- a. Was there an issue involving the Chief spearheading a citizens' committee to build support for the fire levy and department?

- i. Yes—but spearhead is not the right word. He was told that he would do it—the Board told him, under Shyra’s leadership. That was an admirable idea, to get these ideas moving and we have a levy coming up.
- ii. Tell me more about what happened.
  - 1. I know very little about it—just hear from Matt that he met with two of the leaders of the group that they have not met. The Chief is like a professor—he talks at people rather than turning it toward people moving to a decision.
- iii. Was that project seen through to completion?
  - 1. I really can’t tell you.
- b. Do you know how the Fire Chief is viewed as a regional leader and player when it comes to regional fire and safety issues?
  - i. I know a little bit but not a lot. I have spent some time with his peers around county EMS funding. Through that process since I took that project on, he has been quiet. He has not been one of the major players, not because other chiefs don’t have respect for him. But I don’t see him a leader in the region.
  - ii. Tell me more about that.
    - 1. See above. Some departments do mimic what we do—leading through example. But he is actually quite quiet in those meetings. I do know that he meets with other chiefs.
  - iii. Have any of the Trustees voiced concerns about that?
    - 1. Shyra has mentioned it, and Melanie. But when I ask for examples, there won’t be an answer. Melanie has so much venom for the Chief that I can’t believe what she says.
    - 2. Do I think he’s the best Chief in the world—no. Better planning skills? Yes. Should he be removed from this job—no.
- c. Have any issues arisen about the Chief’s leadership when it comes to dealing with the bitterness of his firefighters toward the past failure of fire levies in elections?
  - i. I haven’t seen a lot of action in that area. It’s important, but not sure what I would expect him to do. He certainly has a hard time getting over it, and until he gets over it, the union won’t get over it.
  - ii. Tell me about any such incidents that you are aware of?

1. No particular incidents.
7. Does Liberty Township do any top-level planning with the Trustees and all of the department heads?
- a. We started down the process with our previous administrator, and now beginning it again with the current administrator, and we're in the middle of it. The previous board did not have the will to do it.
  - b. What role has Chief Jensen played in that process?
    - i. We've only begun it the second time, and he was here with the other department heads. He played the same depth of role as we asked of anyone. Before he was put on leave, he was going down that road within the department—he wanted to do it properly and thoroughly. He discussed this with me.
  - c. Have any local governments or school districts requested Chief Jensen's assistance in projects relating to public safety or emergency medical care, to your knowledge?
    - i. They probably have but I don't know the details. Battalion Chief Piwtorak was working on a community medicine project, "para-medicine."
    - ii. [Active shooter plan.] Please tell me more about what happened with regard to that planning process.
      1. I know that they did some training but that's all I know.
8. Did Chief Jensen ever receive direction from one of the Trustees about developing a winter safety program in the last couple of years, to your knowledge?
- a. Shyra spoke to him. I know that at least a sign was put out, but that's all I know.
  - b. Tell me about what happened with regard to this ice safety program, if you know.
    - i. See above.
  - c. Was this program ever implemented?
    - i. I have no idea.
9. Are there any other areas involving Chief Jensen's job performance that you think we have not covered that I need to know about?

- a. I think that with the public, when he is front of the public, he does a good job. For example, the Fire Prevention Week is a very successful project. That is the part of his job that he might enjoy the most. He encourages his men to do that as much as possible. Everyone does the part of the job he likes the best—and planning and being in front of the public is what he likes the most.
  - b. Chief Jensen did not have the best relationship with the previous Administrator Dave Anderson, and that handcuffed him and beat him down a great deal. The Chief has expressed this. Example: Buying new mattresses for the fire house, which Dave made complicated.
  - c. As a fire/medic unit in the region, we are very highly regarded. That doesn't happen by accident or by a chief who isn't functioning.
10. Is there anything else that I have not asked you that you think I ought to have asked you so that I have a better understanding of these issues and what is going on here?
- a. No, I might reiterate that the relationship between Dave and the Chief went a long way toward beating him down and making him look worse than he is. Every time he turned around, he was fighting with Dave, who acted like he was Fire Chief. He subverted him. Then he has Melanie who wants his head, and the Union President who doesn't like him. But HR likes him—I explain in response that the picture between the Chief and Cathy is more conflicted.
  - b. Not being a strong personality, that happens to him. People can walk over him.
11. Because this is a pending investigation and I need to be able to talk with everyone free of people sharing their stories and memories, I strongly request that you not discuss this interview, the investigation, the questions asked, or the answers given with anyone, particularly with anyone in the Fire Department or Chief Jensen, of course.

If anyone tries to speak with you about this investigation, please contact me.



**INTERVIEW WITH BILL PIWTORAK**  
**Battalion Chief**  
**Liberty Township Fire Department**

**Thursday, March 24, 2016 at 5:20 p.m.**

1. Explain my background and role in conducting investigation.
  - a. I am conducting this investigation under the authority of the Township Administrator and Board of Trustees of Liberty Township. That means that any directive that I give you during this investigation carries the same weight as if the Township Trustees and Township Administrator, who are obviously your appointing authority, had given you that directive. This investigation does not in any way relate to your conduct specifically, and there is no reason at all to believe that you have done anything wrong or that your behavior as an employee is in way in question. Obviously, I can't know that that won't change, because I don't know yet what you will be telling me. But at this point, you are not in any way the subject of this investigation.
  - b. The directives I am giving you here are routine in any administrative investigation, and are not specific to you. I have given and will be giving them to everyone I interview, including the Township Administrator.
  - c. This is an administrative investigation for purposes of determining whether there are any employment or disciplinary issues in the Liberty Township Fire Department that the Township needs to address. While this is an investigation, and that often calls to mind police investigations that we see on television programs or that might follow a suspicious fire, this investigation is not at all criminal in nature, and we have no reason to believe that any issue of that kind exists. Having said that, as I noted a few moments ago, I obviously don't know what you will tell me, so I can't give you a categorical assurance that none of your answers can create criminal issues for you or someone else. But that is not the purpose of this interview and is not something we at all expect or suspect. It is my purpose to get to the bottom of some issues that may need to be addressed by the Township Trustees and Administrator.
  - d. While I am aware that another lawyer looked into some of these issues, I have not seen or read his report, and my investigation and what I determine will be completely independent of anyone else's work or conclusions.
  - e. It is very important that you understand my questions before answering. Listen carefully before answering, make sure that you understand the question before answering, and feel free to ask me to rephrase or repeat. Don't answer my question until you understand it, because once you answer it, I will conclude that you understood it and gave a truthful answer to the question.

- f. If you need to take a break to go to the bathroom, get some air, or anything like that, just let me know—but not if a question is pending.
  - g. You are required to answer every question I ask fully, completely, and honestly—even if the truthful answer puts you, a fellow employee, or even the Fire Chief or Township Administrator in a bad light, even if the answer might cost someone else or you his or her job. You have no right not to answer my questions. I particularly stress that your ultimate duty and loyalty in your position run to Liberty Township, not any individual—and the people of Liberty Township are represented by the elected Board of Trustees. That means that no one, including the Township Administrator or Fire Chief, has any right to pressure you or give you a directive to withhold information or to shade the truth in any way. The Township Trustees, who are over all those people and you, have directed me to complete this investigation, and I speak with their authority in this interview.
  - h. Normally, a public employee has the right to refuse to answer a question if you feel that the answer to that question may incriminate you under federal, state, or local criminal laws. “Incrimination” means that the answer could involve you in a risk of criminal liability, not that the answer would get you in trouble with your job or get someone else in trouble. A reasonable fear of criminal liability is extremely unlikely given what I am looking into—which involves how the Fire Department is being managed—but in this case, I am issuing you what is called a *Garrity* notice, meaning that nothing you say in here today can be used against you in any subsequent criminal investigation or proceeding, so in all cases, you must answer my questions fully, completely, and honestly—and your own job is conditioned on you doing that.
  - i. Right to union representative but waived.
  - j. Do you understand these ground rules that I have reviewed here? Yes.
  - k. I am not recording this interview; are you recording it? No.
  - l. Did anyone else besides me talk to you about this interview or investigation or in any way pressure you or tell you anything about what to say or not to say to me today? This would include either superiors or friends.
    - i. No.
  - m. Do you have any questions before we proceed?
    - i. No.
2. What is your full legal name?
- a. William Piwtorak.

3. Tell me about the position that you hold with Liberty Township.
  - a. Battalion Chief.
  - b. How long have you worked as Battalion Chief for the Liberty Township Fire Department?
    - i. January 1, 2016—we were captains but moved up by the contract. Captain since.
  - c. Were you hired into the position of Captain/Battalion Chief that you hold, or did you have other positions before with the Liberty Township Fire Department?
    - i. Worked through department, PT in July 1994, full-time 1/1/95, promoted to Lieutenant in 2003, in 2007 to Captain.
  - d. Tell me about your basic responsibilities on a day-to-day basis at work—what is your special role in the management of the Fire Department?
    - i. Over a shift, also EMS coordinator, special operations (law enforcement, haz-mat, etc.)
    - ii. Prior to levy failing – 40 hours as EMS coordinator.
  - e. What significant prior work experience did you have before coming to work for the Township?
    - i. Worked for City of Buffalo as paramedic, and military stint for 4 years in USAF, and 5.5 years of reserve time.
  - f. Do you report directly to Fire Chief Tim Jensen?
    - i. Yes.
4. How closely do you work with Fire Chief Tim Jensen?
  - a. Yes.
  - b. How has your work relationship been with him overall?
    - i. Poor—just personalities. Over the years of being educated in leadership, I know I'm more Type A and he's more analytical. Things have occurred over the years that have rubbed us the wrong way. Much worse than the other two.

- c. I realize that it is always awkward to ask someone to discuss his boss's performance, but I need to do so—so I will ask, do you believe that Chief Jensen is effective in his role as a leader in the department, in your view?
  - i. Yes and no.
  - ii. Over a period of time he is effective.
  - iii. But if you are looking at setting goals and getting things accomplished, no. We have very poor follow-through after good discussions of ideas and plans.
- d. How do you think his credibility is with the firefighters and officers whom he leads?
  - i. Well, that's a trick question. Two years ago, I sat in a meeting after the levy failed, and 70% of the guys complained about Chief Jensen's leadership, even a vote of no confidence.
  - ii. Since this has occurred, there is a 180-degree flip, even from the most pronounced people who were against him. Weird—because nothing has changed. They have changed because there are three battalions, and Jim Cerigliano has taken over some of the administrative stuff.
  - iii. I don't really know what caused that change. One battalion is influential about keeping the peace—"give him a chance." I'm in shock on some of the most boisterous opponents flipping. But it's "me and my brother against. . . ." and "we know what we have—what comes next." And they are scared of me being fire chief—I am 180 degrees different. I follow rules and procedures.
- e. How about his credibility with the Board of Trustees and Mr. Huffman, as far as you can tell?
  - i. To be honest, Huffman has not been here long enough. It is very evident from the Chief's comments and from Melanie Lenaghan—they don't like each other. And the Chief avoids confrontation. With Shyra and Tom it was going well until this investigation came up.
- f. What are the strongest or most positive aspects of Chief Jensen's performance?
  - i. He is a great guy who truly cares for his people. He will go and do what is the right thing for them.
  - ii. He is very smart who has been in the business who knows what has to be done.

- iii. He is a stand-back leader so he has not interfered with my day-to-day stuff, but may be the personality issues.
- g. What if any are the main deficiencies or shortfalls in his performance as Fire Chief?
  - i. The big issue for me is that he enables things to continue on—as an example, we had an awards ceremony. There was a policy written, but the people in charge were not following that. Instead of stopping it and fixing it, “Well, we’ll fix it next year.”
  - ii. We all talk about “Jensen time”—even other fire chiefs harass him. If I go for him and arrive early, they will tease me about “you have to go out and come back in later.” We pick on him all the time; he just blows it off.
  - iii. Just the other day, the three battalions have a policy—the three of us sat and looked at a recommendation and adopted it, almost immediately. If the Chief had been there and been involved, it would have sat on his desk for two months.
- h. As we look at the general management of the Fire Department, tell me about the aftermath of the failure of the fire levy and the passage of the second, reduced levy on the relationship of firefighters with Chief, Trustees, and rest of the Township.
  - i. It was not only reduced but also the levy that was passed with the reductions, it was overdue and the Township had to take a \$5 million loan to keep functioning.
  - ii. What is the impact of that in the fire department at this point?
    - 1. 26 part-time and full-time positions eliminated, and I lost my 40-hour position, which impacts my involvement in business-day meetings. We lost a safety officer in charge of maintenance and our trucks are not being maintained. Hit on morale—anonymous people on Topix attacking fire department.
    - 2. Have you seen Chief Jensen trying to get the Fire Department as a whole to move forward or look at the future?
      - a. There was no cheerleading. He tried to get people to move forward.
      - b. If yes, has he been effective at that?
        - i. No, not really inspirational or effective.

5. Tell me about how Chief Jensen represents to you and your fellow battalion chiefs and the troops below the relationship between your department and the Township Trustees and the Township Administrator?
- a. Do you see him as an advocate for the Township Trustees and management and their policies to the firefighters in your department?
    - i. If he believes in it, he will advocate for it, but if he doesn't believe in it, he does not. He will make comments about Melanie Lenaghan—"I can't meet with her." Said that in front of battalion chiefs and lieutenants.
  - b. Do you see Chief Jensen as an effective advocate for the needs of the fire service and firefighters to the Township Administrator and Trustees?
    - i. For the most part, yes.
    - ii. Why or why not?
      1. When the levy failed, he was not an advocate—he got too hung up on the politics and fighting Melanie to prove a point. He wanted to get rid of 26 positions to prove a point—punitive. Ended up that only 10 positions were eliminated—actually talked about closing a station (half the force). Intent to punish Melanie and that camp. That's where the vote of no-confidence came from.
      2. Jim Reardon was Assistant Chief, and Chief Jensen was willing to give up positions to get him back.
6. How would you assess Chief Jensen's performance when it comes to handling the paperwork and keeping up with the documentation needed in that role?
- a. That's part of the issue. He laughs. Cites example of the two-month delay. There are SOPs that are five, six, seven years old—we need to review. We talk but nothing gets done. We get enthusiastic firefighters to develop SOP, we review and approve, and the Chief loses it. We still don't have pre-plans on buildings like schools, businesses, high-occupancy buildings.
  - b. Have you seen any particular strong points or problems in that area?
    - i. In 2007, I worked with Norwich Township, Washington Township, Dublin and us for paramedic competencies. We developed this whole plan. We would test across lines so it was not in house. It's 2016, the two guys in Washington and Norwich have retired, and just now he assigns competencies. But those guys are retired and we have to start over. And

our people don't have the certifications in competencies, which is a subcategory of accreditation, which he says he wants to do.

ii. Tell me more about that.

1. See above.

2. Other thing was Chief Jensen went to Ohio Fire Executive in 2005, then Reardon, then me—graduated in 2010. We had to do a final research paper. My paper was project management, because there are so many things we start but have never finished. I took it back to the FD but it was never implemented. I shared it with Jim Cerigliano, and he said it was awesome—and it shows up with him. But we could have been doing it five years before.

3. Washington Township got accredited and put a guy on 40 hours for three years to get it done. It's one of Jensen's goals, but he has been the chief for seven years but we have not implemented anything on that checklist. And Melanie Lenaghan wants Delaware County EMS to come in here, and their guys are trained and accredited—how can I defend against that?

7. Has Chief Jensen ever discussed with you or others, to your knowledge, about how the addition of Cathy Buehrer as an HR person for the Township will affect any of the procedures relating to how HR issues are handled, such as documenting discipline, updating position descriptions, or processing workers' comp paperwork?

a. Yes.

b. Can you tell me more about those discussions?

i. Chief Jensen for many years has always had a burr that we need HR in Liberty Township, and I agreed. He's been preaching and he didn't get answers. Finally someone hears him, establishes HR, and because that position is taking away power or challenging his thought process, now he doesn't want HR.

c. Do you know anything about reprimands being prepared against firefighters involved in a failure to provide medical transport to a mentally ill person when requested by the City of Powell—I believe this was in December of last year?

i. I sure do.

ii. [If yes.] What can you tell me about that?

1. In preceding March 2015, there was an issue/run that became an issue between Powell PD and us, because we can't take people against their will unless there is a pink slip. I met with Powell Police and medical director Dr. Warren Yamarick to discuss it. There was a gentleman's agreement that if a patient goes to the hospital, we will provide transport. There was a direct order, and I issued it with Dr. Yamarick—he will send me the order.
2. In December (I was going on vacation)—run happens. Both organizations supposedly know what the rules are. Investigation ensues, and it came down to a communication error. Lt. Lovell came up and talked to Powell officer—woman was out of control. He said, “She is not getting in the back of my medic.” Powell Sergeant corroborated that story. When he heard that, sergeant said that “it's on us,” and he disregarded policy. Lt. Lovell never called battalion chief to ask for clarification either, even during a 45-minute wait. The police transported to the hospital but never communicated that they went to the hospital under the pink slip rule. That happened Dec. 18 or 19, and I was on vacation Dec. 21-January 2. In that vacation time, I talked with Powell police. Sgt. was told by Jensen that on my return, he would hand the investigation results to me to handle it. But Jensen never told me that. FF Neal Brock was sent to mental health training for law enforcement, and he reported back to the chief that Delaware PD provided direct transport along with others, and Chief Jensen has had mental-health issues within his family and might be sensitive about those issues. I was personally telling Chief Jensen what the medical director and Powell Police thinks. I cannot remember the exact day, but Powell PD Chief Vest, DCSO representative, mental health professional, Jensen, me, medical director to discuss how these situations would be handled. Our doc then deferred to Chief Jensen, who was 180 degrees different—“I don't know that they should be transported by our medics.” When he said that, people were shocked. Dr. Yamarick then said, “No,” and explained the medical component. Mental health professional agreed—they need to go by medic. DCSO was going to follow that policy as well. But Chief Jensen still did not buy into that.
3. No reprimand or paperwork until late February—two months later. He was reluctant because he disagreed. Talk with Yamarick—they need to be written up; they didn't follow policy.
4. Were you aware that these reprimands were drafted but never put into the employees' personnel files?



- a. I have heard that they were given, the crew didn't like it, and Lt. Lovell reached out to Chip Welch (fire chief/attorney in Circleville). Clark, Simmons, Mickey Smith went to them, started to discuss it, and wanted to grieve it.
  
- 5. Did you at any point ever hear about anything that Chief Jensen may have said to the employees who were reprimanded following the December incident about what would happen to the reprimands?
  - a. I heard that the Chief said, "Give me two weeks, and I'll make sure this goes away."
  - b. Did you hear him say this?
    - i. No, not directly.
  - c. Who told you that he had said this?
    - i. Chalaco Clark.
  
- 8. I want to talk about the wellness program and annual physicals for firefighters that I believe were set forth in the collective bargaining agreement with the Union. What if anything do you know about that program?
  - a. I have a burr with that as well—but I don't know details. Initially I was the chair of that three or four years ago (prior to the levy), I put together meeting with people from each decade. But Chief was getting whispers in his ear, so new committee formed.
  - b. When was it first supposed to start?
    - i. Not sure there was an actual date—no date given. But it got taken over and largely disbanded.
  - c. Did Chief Jensen make any announcements about this program in late 2014?
    - i. Not that I recall, but I know it's overdue.
    - ii. So, what happened—was there any follow-up to your knowledge with the results of the 2014-15 annual physicals results?
      - 1. I don't know if we had them. They used to have a trailer that came over.

2. Did Chief Jensen ever talk to the battalion chiefs or anyone else to your knowledge why the results of these examinations were not followed up on?
    - a. I know that there were 60-day follow ups but no details on what happened or why.
9. Are there any other areas involving Chief Jensen's job performance that we have not covered that you think I need to know about?
  - a. The examples that we have talked about are the common core—we talk about it, but we don't see it through.
10. Is there anyone whom you think it is particularly important to talk to get a fuller picture of these issues?
  - a. Mickey Smith.
  - b. Scott Simmons.
  - c. Ken Lybarger.
  - d. Ed Long.
  - e. Lt. Ryan Hanf—union financial guy. The Chief does not have a handle on the math issues—the budget.
11. What would those people likely tell me?
  - a. They were the most negative about the Chief two years ago.
  - b. Hanf—financials. But not all of the lieutenants? We have never discussed the budget. (Can we verify this otherwise?)
12. Is there anything else that I have not asked you that you think I ought to have asked you so that I have a better understanding of these issues and what is going on here?
  - a. I would have to say that if we could lump my issues in—the efficiency of how this department is run is not how I would like it. But I can't think of any one thing beyond what we have covered.
13. Because this is a pending investigation and I need to be able to talk with everyone free of people sharing their stories and memories, you are ordered not discuss this interview, the investigation, the questions asked, or the answers given to anyone, including Chief Jensen, of course.

If anyone tries to speak with you about this investigation, please contact me.

**INTERVIEW WITH DUANE PRICE**  
**Battalion Chief**  
**Liberty Township Fire Department**

**Friday, March 25, 2016 at 2:00 p.m.**

1. Explain my background and role in conducting investigation.
  - a. I am conducting this investigation under the authority of the Township Administrator and Board of Trustees of Liberty Township. That means that any directive that I give you during this investigation carries the same weight as if the Township Trustees and Township Administrator, who are obviously your appointing authority, had given you that directive. This investigation does not in any way relate to your conduct specifically, and there is no reason at all to believe that you have done anything wrong or that your behavior as an employee is in way in question. Obviously, I can't know that that won't change, because I don't know yet what you will be telling me. But at this point, you are not in any way the subject of this investigation.
  - b. The directives I am giving you here are routine in any administrative investigation, and are not specific to you. I have given and will be giving them to everyone I interview, including the Township Administrator.
  - c. This is an administrative investigation for purposes of determining whether there are any employment or disciplinary issues in the Liberty Township Fire Department that the Township needs to address. While this is an investigation, and that often calls to mind police investigations that we see on television programs or that might follow a suspicious fire, this investigation is not at all criminal in nature, and we have no reason to believe that any issue of that kind exists. Having said that, as I noted a few moments ago, I obviously don't know what you will tell me, so I can't give you a categorical assurance that none of your answers can create criminal issues for you or someone else. But that is not the purpose of this interview and is not something we at all expect or suspect. It is my purpose to get to the bottom of some issues that may need to be addressed by the Township Trustees and Administrator.
  - d. While I am aware that another lawyer looked into some of these issues, I have not seen or read his report, and my investigation and what I determine will be completely independent of anyone else's work or conclusions
  - e. It is very important that you understand my questions before answering. Listen carefully before answering, make sure that you understand the question before answering, and feel free to ask me to rephrase or repeat. Don't answer my question until you understand it, because once you answer it, I will conclude that you understood it and gave a truthful answer to the question.

- f. If you need to take a break to go to the bathroom, get some air, or anything like that, just let me know—but not if a question is pending.
  - g. You are required to answer every question I ask fully, completely, and honestly—even if the truthful answer puts you, a fellow employee, or even the Fire Chief or Township Administrator in a bad light, even if the answer might cost someone else or you his or her job. You have no right not to answer my questions. I particularly stress that your ultimate duty and loyalty in your position run to Liberty Township, not any individual—and the people of Liberty Township are represented by the elected Board of Trustees. That means that no one, including the Township Administrator or Fire Chief, has any right to pressure you or give you a directive to withhold information or to shade the truth in any way. The Township Trustees, who are over all those people and you, have directed me to complete this investigation, and I speak with their authority in this interview.
  - h. Normally, a public employee has the right to refuse to answer a question if you feel that the answer to that question may incriminate you under federal, state, or local criminal laws. “Incrimination” means that the answer could involve you in a risk of criminal liability, not that the answer would get you in trouble with your job or get someone else in trouble. A reasonable fear of criminal liability is extremely unlikely given what I am looking into—which involves how the Fire Department is being managed—but in this case, I am issuing you what is called a *Garrity* notice, meaning that nothing you say in here today can be used against you in any subsequent criminal investigation or proceeding, so in all cases, you must answer my questions fully, completely, and honestly—and your own job is conditioned on you doing that.
  - i. Waived your union representative.
  - j. Do you understand these ground rules that I have reviewed here? Yes.
  - k. I am not recording this interview; are you recording it? No.
  - l. Did anyone else besides me talk to you about this interview or investigation or in any way pressure you or tell you anything about what to say or not to say to me today? This would include either superiors or friends.
    - i. No.
  - m. Do you have any questions before we proceed?
    - i. No.
2. What is your full legal name?
- a. David Duane Price.

3. Tell me about the position that you hold with Liberty Township.
  - a. Battalion Chief.
  - b. How long have you worked as Battalion Chief/Captain for the Liberty Township Fire Department?
    - i. Since March 4, 2013.
  - c. Were you hired into the position of Battalion Chief that you hold, or did you have other positions before with the Liberty Township Fire Department?
    - i. Hired part-time in 1995, full-time in 1996, Lieutenant in 2003, and to Captain in 2013.
  - d. Tell me about your basic responsibilities on a day-to-day basis at work—what is your special role in the management of the Fire Department?
    - i. Over 3 Unit, I am responsible for fire training, quartermaster.
  - e. What significant prior work experience did you have before coming to work for the Township?
    - i. Always worked here, but often part-time in other fire departments.
  - f. Do you report directly to Fire Chief Tim Jensen?
    - i. Yes.
4. How closely do you work with Fire Chief Tim Jensen?
  - a. I make it a routine that during my shift, I come down and check in with him, so I work closely with him.
  - b. How has your work relationship been with him overall?
    - i. Overall, it's good.
  - c. I realize that it is always awkward to ask someone to discuss his boss's performance, but I need to do so—so I will ask, do you believe that Chief Jensen is effective in his role as a leader in the department, in your view?
    - i. Yes. He is good at using our talents as the three battalion chiefs. He knows what each of us can do and he uses that.

- ii. With the staffing changes, his workload is higher than it used to be and he's a bit overwhelmed, and that affects timeliness at times.
  - d. How do you think his credibility is with the firefighters and officers whom he leads?
    - i. He is not a very outspoken person, but he is an honest man and a hardworking guy. I can take his word; he's not devious. He's a quiet guy, and sometimes his soft-spokenness is mistaken for weakness.
  - e. How about his credibility with the Board of Trustees and Mr. Huffman, as far as you can tell?
    - i. I don't know. I don't see him interact with the Board—he comes to us and talks about what he discusses with the Board.
    - ii. The post-levy period was emotional and frustrating, but my impression is that he works well with the Board.
    - iii. Matt Huffman is a new person for him, and I have noticed any barriers or problems.
  - f. What are the strongest or most positive aspects of Chief Jensen's performance?
    - i. I feel that the Chief has my genuine best interests in mind; he cares about every person here, the department, the community, and the fire service.
  - g. What if any are the main deficiencies or shortfalls in his performance as Fire Chief?
    - i. Time management—his timeliness. He is the guy who starts working on something, and then he gets distracted by "something shiny." He needs to focus on one task or ask for help. I'm a right now guy, but he's a "think about it" guy. We balance each other out, but sometimes he doesn't work fast enough for me.
    - ii. What is "Jenson time"?
      - 1. It means "five minutes late." Probably have heard it from people outside of the department.
- 5. As we look at the general management of the Fire Department, tell me about the recent attempts to pass a fire levy in the past few years, what happened, and what the impact was on the Fire Department. What is the impact of that in the fire department at this point?
  - 1. Initially, it was terrible. I am not one to sit and dwell—I took my time and got pissed off, then I got back to work. I needed my people to do that, and I did. I think the battalion chiefs and Chief did that

well over six to eight months. But there are some people who don't get over things—there was long-range trauma. Over the last year, we have done a good job of identifying priorities; we're getting things done and there has been a major shift in attitudes. Some guys felt like the community or Board of Trustees let us down, some feel that the Chief let us down.

2. Have you seen Chief Jensen trying to get the Fire Department as a whole to move forward or look at the future?
  - a. Yes.
  - b. If yes, has he been effective at that?
    - i. I think that he was fighting an uphill battle, but some guys were not ready to move forward. He took what happened very personally. We ran a campaign like we always had, but it was a different time.
    - ii. It was very deflating; the officers had to pick each other up. He had an all department meeting and said, "Gentlemen, effective immediately, we are moving forward. We cannot move the department forward staring in the rearview mirror."
  
6. Tell me about how Chief Jensen represents to you and your fellow battalion chiefs and the troops below the relationship between your department and the Township Trustees and the Township Administrator.
  - a. Do you see him as an advocate for the Township Trustees and management and their policies to the firefighters in your department?
    - i. Does the Chief support the Board—yes. I often get the sense that he doesn't understand what they want him to do, that he hasn't been told, or there is confusion, but I don't know where that confusion is. Sometimes we had down one path only to learn that we should have been going down another.
  - b. Do you see Chief Jensen as an effective advocate for the needs of the fire service and firefighters to the Township Administrator and Trustees?
    - i. Yes, but it could be better. Our old administrator put a lid on the Chief. He tried to do the Chief's job for him sometimes and it didn't always work. Sensed that he knew how to do the Chief's job better than the Chief did. Most of the time, that happened—but sometimes we have to work harder at things than at other times. Plus there were changes on the Board, with changed expectations.



- ii. Why or why not?
  - 1. See above.
- 7. How would you assess Chief Jensen's performance when it comes to handling the paperwork and keeping up with the documentation needed in that role?
  - a. He's OK.
  - b. Have you seen any particular strong points or problems in that area?
    - i. I'd say he does what's expected, but I'm not really sure. What I need to get handled usually gets handled.
    - ii. Tell me more about that.
      - 1. N/A.
- 8. Has Chief Jensen ever discussed with you or others, to your knowledge, about how the addition of Cathy Buehrer as an HR person for the Township will affect any of the procedures relating to how HR issues are handled, such as documenting discipline, updating position descriptions, or processing workers' comp paperwork?
  - a. He has been a huge advocate for improving HR in township for a long time. When Cathy first got the job, he invited her to officers' meeting; she'll be working with Jim Cerigliano. From my seat, he was an advocate for HR and for her personally, and he made it very clear to the three of us that she was part of the Township team and we were to work with her. There was some initial confusion about what she was and wasn't doing; she had some different ideas from what we had done in the past. I don't feel that her job was clearly explained to us or the other Township departments.
  - b. Can you tell me more about those discussions?
    - i. See above.
  - c. Do you know anything about reprimands being prepared against firefighters involved in a failure to provide medical transport to a mentally ill person when requested by the City of Powell—I believe this was in December of last year?
    - i. I have heard but it wasn't my shift so I don't know details.
    - ii. [If yes.] What can you tell me about that?
      - 1. N/A.

2. N/A.
3. Were you aware that these reprimands were drafted but never put into the employees' personnel files?
  - a. N/A.
4. Did you at any point ever hear about anything that Chief Jensen may have said to the employees who were reprimanded following the December incident about what would happen to the reprimands?
  - a. N/A.
9. I want to talk about the wellness program and annual physicals for firefighters that I believe were set forth in the collective bargaining agreement with the Union. What if anything do you know about that program?
  - a. Yes, sort of—though I'm not a part of that Committee.
10. Are there any other areas involving Chief Jensen's job performance that you think we have not covered that I need to know about?
  - a. No.
11. Is there anything else that I have not asked you that you think I ought to have asked you so that I have a better understanding of these issues and what is going on here?
  - a. No, we covered the issues.
12. Because this is a pending investigation and I need to be able to talk with everyone free of people sharing their stories and memories, you are ordered not discuss this interview, the investigation, the questions asked, or the answers given to anyone, including Chief Jensen, of course.

If anyone tries to speak with you about this investigation, please contact me.

**INTERVIEW WITH JAMES REARDON**  
**Battalion Chief**  
**Liberty Township Fire Department**

**Friday, March 25, 2016 at 8:30 a.m.**

1. Explain my background and role in conducting investigation.
  - a. I am conducting this investigation under the authority of the Township Administrator and Board of Trustees of Liberty Township. That means that any directive that I give you during this investigation carries the same weight as if the Township Trustees and Township Administrator, who are obviously your appointing authority, had given you that directive. This investigation does not in any way relate to your conduct specifically, and there is no reason at all to believe that you have done anything wrong or that your behavior as an employee is in way in question. Obviously, I can't know that that won't change, because I don't know yet what you will be telling me. But at this point, you are not in any way the subject of this investigation.
  - b. The directives I am giving you here are routine in any administrative investigation, and are not specific to you. I have given and will be giving them to everyone I interview, including the Township Administrator.
  - c. This is an administrative investigation for purposes of determining whether there are any employment or disciplinary issues in the Liberty Township Fire Department that the Township needs to address. While this is an investigation, and that often calls to mind police investigations that we see on television programs or that might follow a suspicious fire, this investigation is not at all criminal in nature, and we have no reason to believe that any issue of that kind exists. Having said that, as I noted a few moments ago, I obviously don't know what you will tell me, so I can't give you a categorical assurance that none of your answers can create criminal issues for you or someone else. But that is not the purpose of this interview and is not something we at all expect or suspect. It is my purpose to get to the bottom of some issues that may need to be addressed by the Township Trustees and Administrator.
  - d. While I am aware that another lawyer looked into some of these issues, I have not seen or read his report, and my investigation and what I determine will be completely independent of anyone else's work or conclusions
  - e. It is very important that you understand my questions before answering. Listen carefully before answering, make sure that you understand the question before answering, and feel free to ask me to rephrase or repeat. Don't answer my question until you understand it, because once you answer it, I will conclude that you understood it and gave a truthful answer to the question.

- f. If you need to take a break to go to the bathroom, get some air, or anything like that, just let me know—but not if a question is pending.
  - g. You are required to answer every question I ask fully, completely, and honestly—even if the truthful answer puts you, a fellow employee, or even the Fire Chief or Township Administrator in a bad light, even if the answer might cost someone else or you his or her job. You have no right not to answer my questions. I particularly stress that your ultimate duty and loyalty in your position run to Liberty Township, not any individual—and the people of Liberty Township are represented by the elected Board of Trustees. That means that no one, including the Township Administrator or Fire Chief, has any right to pressure you or give you a directive to withhold information or to shade the truth in any way. The Township Trustees, who are over all those people and you, have directed me to complete this investigation, and I speak with their authority in this interview.
  - h. Normally, a public employee has the right to refuse to answer a question if you feel that the answer to that question may incriminate you under federal, state, or local criminal laws. “Incrimination” means that the answer could involve you in a risk of criminal liability, not that the answer would get you in trouble with your job or get someone else in trouble. A reasonable fear of criminal liability is extremely unlikely given what I am looking into—which involves how the Fire Department is being managed—but in this case, I am issuing you what is called a *Garrity* notice, meaning that nothing you say in here today can be used against you in any subsequent criminal investigation or proceeding, so in all cases, you must answer my questions fully, completely, and honestly—and your own job is conditioned on you doing that.
  - i. Waived union representation.
  - j. Do you understand these ground rules that I have reviewed here? Yes.
  - k. I am not recording this interview; are you recording it? No.
  - l. Did anyone else besides me talk to you about this interview or investigation or in any way pressure you or tell you anything about what to say or not to say to me today? This would include either superiors or friends.
    - i. No.
  - m. Do you have any questions before we proceed?
    - i. No.
2. What is your full legal name?
- a. James P. Reardon III.

3. Tell me about the position that you hold with Liberty Township.
  - a. Battalion Chief.
  - b. How long have you worked as Battalion Chief for the Liberty Township Fire Department?
    - i. Title since January.
  - c. Were you hired into the position of Battalion Chief that you hold, or did you have other positions before with the Liberty Township Fire Department?
    - i. Captain from 2012-15, Assistant Chief from 2010-12, Captain 2005-10, Fire Prevention Inspector, then fire firefighter/paramedic here and Fairfax County, Virginia.
  - d. Tell me about your basic responsibilities on a day-to-day basis at work—what is your special role in the management of the Fire Department?
    - i. Oversee a shift, plus vehicle and facility maintenance.
  - e. What significant prior work experience did you have before coming to work for the Township?
    - i. Fairfax County, Virginia, but hired here out of college.
  - f. Do you report directly to Fire Chief Tim Jensen?
    - i. Yes.
4. How closely do you work with Fire Chief Tim Jensen?
  - a. I talk to him half-hour to two hours on my duty day.
  - b. How has your work relationship been with him overall?
    - i. Good. I'm high speed and he brings me down before my Irish flies off the handle and brings a sense of calm for my personality.
  - c. I realize that it is always awkward to ask someone to discuss his boss's performance, but I need to do so—so I will ask, do you believe that Chief Jensen is effective in his role as a leader in the department, in your view?
    - i. Yes.

- d. How do you think his credibility is with the firefighters and officers whom he leads?
    - i. The firefighters respect him. His effectiveness is in large part is because he is very thoughtful in his actions.
    - ii. At the times I am speaking of (the vote of no confidence), I was not in the union meetings, so I don't know what was in those documents, but I was aware. It boiled down to a conglomeration of problems, and he is the boss.
  - e. How about his credibility with the Board of Trustees and Mr. Huffman, as far as you can tell?
    - i. I think his relationship with Mr. Huffman is 100% better than his relationship with the previous administrator.
    - ii. He has had a tough road with the Board of Trustees, and I think that the Trustees . . . I don't know. I never asked him about the details of personal meetings that he has had with him. That's not my role. (Very protective and cautious). When they ask, they make sure it happens.
    - iii. I confront him with account that BCs make it happen, not chief—That's one person's view. [He pushes it off.]
  - f. What are the strongest or most positive aspects of Chief Jensen's performance?
    - i. He is detailed and thorough, he thinks about consequences. He sees both sides in a comprehensive way.
    - ii. He genuinely cares about his employees.
  - g. What if any are the main deficiencies or shortfalls in his performance as Fire Chief?
    - i. The thoroughness at times in our business does not satisfy the nature of our business—we need to respond close to instantly, and FFs look for instant gratification. Even once he has thought about something, he continues to think about how it will affect us in five years, and some people see that as a bad thing.
    - ii. "Jenson time"—I have heard that time, yes. Is it correct, yes. Can't answer percentage of time. (He is *very* guarded and protective.)
5. As we look at the general management of the Fire Department, tell me about the recent attempts to pass a fire levy in the past few years, what happened, and what the impact was on the Fire Department. What is the impact of that in the fire department at this point?

1. Humbling. We for many years had lots of money in our coffers because of the growth of this township. FFs didn't really understand how the levy or the funding worked. It was a humbling experience and we have a much better understanding of how it works now.
2. With hard feelings, there is going to be blame. I think most people are past the blaming part, but not 100% of the people. Guys are seeing positive things in the last nine months, and morale is improving. There is not one silver bullet that changed or started, but we are at the top of the hump or over it.
3. Have you seen Chief Jensen trying to get the Fire Department over that hump of resentment and anger?
  - a. His role . . . with the troops, I think that's my job. His role to me is the community side of it, and I don't know what he has done in that aspect.
  - b. If yes, has he been effective at that?
    - i. See above. I know he has done things because he has mentioned them.
    - ii. He has worked very hard on additional EMS money from the County, and he has worked very passionately and diligently about this with one Trustee and the Fiscal Officer.
6. Tell me about how Chief Jensen represents to you and your fellow battalion chiefs and the troops below the relationship between your department and the Township Trustees and the Township Administrator.
  - a. Do you see him as an advocate for the Township Trustees and management and their policies to the firefighters in your department?
    - i. Yes, to us. What his personal thoughts are, I don't know. He was very supportive of the employee manual.
    - ii. So, you don't see him blaming the Trustees or administrator?
      1. Long pause. No.
      2. Private Ryan example—he does not complain down the chain to me. But he may whine about certain things from time to time, but he does not oppose policies.

- b. Do you see Chief Jensen as an effective advocate for the needs of the fire service and firefighters to the Township Administrator and Trustees?
    - i. Yes.
    - ii. Why or why not?
      - 1. I filter complaints from my guys to specify what is important—some things I handle on my behalf.
7. How would you assess Chief Jensen’s performance when it comes to handling the paperwork and keeping up with the documentation needed in that role?
- a. I think he does a decent job at keeping up with it. From time to time because of other events, some things may take longer than they should. It happens to me as well, but at his level, it may have to do with who he is reporting to or what it’s about, so it may be more sensitive.
  - b. Have you seen any particular strong points or problems in that area?
    - i. We did a vehicle assessment survey; got that back within a week.
    - ii. Tell me more about that.
      - 1. SOPs—the three battalion chiefs will prepare, I am the formatter because of my OCD on technical writing. Typically what we have done is that we have developed that. I don’t feel that it’s ever been overly delayed.
      - 2. Not saying that long delays have not happened, but can’t give specific examples, but there is probably more to that story.
8. Has Chief Jensen ever discussed with you or others, to your knowledge, about how the addition of Cathy Buehrer as an HR person for the Township will affect any of the procedures relating to how HR issues are handled, such as documenting discipline, updating position descriptions, or processing workers’ comp paperwork?
- a. He has fought for an HR person for years, that we need someone to assist. He was excited about Cathy about being here. One little snafu where she should have seen something before, a job description for his assistant. He is for it. “A little drama about that one little issue.”
  - b. Can you tell me more about those discussions?
    - i. See above.



c. Do you know anything about reprimands being prepared against firefighters involved in a failure to provide medical transport to a mentally ill person when requested by the City of Powell—I believe this was in December of last year?

i. Yes.

ii. [If yes.] What can you tell me about that?

1. We were dispatched on a mental crisis. We did not make it on the scene and were staged, cancelled in staging. A few hours later we were dispatched on a basic injury where allegedly a woman had hit herself on the head with a rock, and I was not dispatched because it was coded basic injury. The crew went to the scene this time because it was a basic injury, they arrived. She was in her room, loud, belligerent and uncooperative. Powell PO was speaking to her (he had relationship); she did not want to see my crew or be evaluated by my crew, so they waited downstairs with her parents. Father made comment about her being taken to hospital. On scene medic (Lt. Lovell) said, “She’s not getting my medic like that,” to him, it was a safety issue. For him, a veteran in Iraq(!). But protocol, we transport if there is a pink slip. At that time, did not violate protocol because there was no communication between FD and PD on whether there was a pink slip. I was not on run and typical police sgt. from Powell was not there. Officer told our guys, “OK then, you can leave.” Lt. Lovell said, “No, we’ll stay.” The officer asked to look at her head; sister looked at her head under the wig and there was no serious injury. PO said she needed to go to the hospital, and she said that she wanted to go in the police car but not in an ambulance, and officer said, “I will take you.” Was not clear whether this was a voluntary or involuntary transfer.

2. Were your FFs disciplined? They received verbal counselings. The Chief called us to his office, he had paperwork typed up for written reprimands, and he reviewed what happened—“you didn’t transport and the general order says we transport.” We failed to transport and were not more assertive or proactive with Powell PD. Lieutenant asked to speak with me and Chief, and he took responsibility and the Chief then discussed teamwork and how we operate as a crew. I was disciplined as the supervisor.

3. Did you at any point ever hear about anything that Chief Jensen may have said to the employees who were reprimanded following the December incident about what would happen to the reprimands?

a. No.

- b. Did you hear him say this?
    - i. N/A.
  - c. Who told you that he had said this?
    - i. N/A.
- 9. Are there any other areas involving Chief Jensen's job performance that you think we have not covered that I need to know about?
  - a. The Chief and I have a very different relationship today from what we had when I was assistant chief. There are positives and negatives, and my job has changed, and I have tried to keep that relationship less personal than it was when I was assistant chief. I keep it to work. That was hard to make that change, but I stayed the course, as George W. says. I don't try to mingle in his personal life.
  - b. I think he is doing a much better job than when he first got in there.
- 10. Is there anything else that I have not asked you that you think I ought to have asked you so that I have a better understanding of these issues and what is going on here?
  - a. There is a lot of personality conflicts there that have led to a lot of the problems here. I shouldn't say "a lot." My personality is to focus on the service—I may not like people, but I'm here to provide a service. I don't hold grudges or fight you on something. I don't know if that's the case with all employees here. This is not the fire service that I got hired into—he is fairly emotional on this point. There are people who don't have that same philosophy. A lot of personalities from elected officials to probationary firefighters. Some have left; some have not.
- 11. Because this is a pending investigation and I need to be able to talk with everyone free of people sharing their stories and memories, you are ordered not discuss this interview, the investigation, the questions asked, or the answers given to anyone, including Chief Jensen, of course.

If anyone tries to speak with you about this investigation, please contact me.

**INTERVIEW WITH SCOTT SIMMONS**  
**Firefighter/Paramedic**  
**Liberty Township Fire Department**

**Friday, March 25, 2016 at 10:00 a.m.**

1. Explain my background and role in conducting investigation.
  - a. I am conducting this investigation under the authority of the Township Administrator and Board of Trustees of Liberty Township. That means that any directive that I give you during this investigation carries the same weight as if the Township Trustees and Township Administrator, who are obviously your appointing authority, had given you that directive. This investigation does not in any way relate to your conduct specifically, and there is no reason at all to believe that you have done anything wrong or that your behavior as an employee is in way in question. Obviously, I can't know that that won't change, because I don't know yet what you will be telling me. But at this point, you are not in any way the subject of this investigation.
  - b. The directives I am giving you here are routine in any administrative investigation, and are not specific to you. I have given and will be giving them to everyone I interview, including the Township Administrator.
  - c. This is an administrative investigation for purposes of determining whether there are any employment or disciplinary issues in the Liberty Township Fire Department that the Township needs to address. While this is an investigation, and that often calls to mind police investigations that we see on television programs or that might follow a suspicious fire, this investigation is not at all criminal in nature, and we have no reason to believe that any issue of that kind exists. Having said that, as I noted a few moments ago, I obviously don't know what you will tell me, so I can't give you a categorical assurance that none of your answers can create criminal issues for you or someone else. But that is not the purpose of this interview and is not something we at all expect or suspect. It is my purpose to get to the bottom of some issues that may need to be addressed by the Township Trustees and Administrator.
  - d. While I am aware that another lawyer looked into some of these issues, I have not seen or read his report, and my investigation and what I determine will be completely independent of anyone else's work or conclusions
  - e. It is very important that you understand my questions before answering. Listen carefully before answering, make sure that you understand the question before answering, and feel free to ask me to rephrase or repeat. Don't answer my question until you understand it, because once you answer it, I will conclude that you understood it and gave a truthful answer to the question.

- f. If you need to take a break to go to the bathroom, get some air, or anything like that, just let me know—but not if a question is pending.
- g. You are required to answer every question I ask fully, completely, and honestly—even if the truthful answer puts you, a fellow employee, or even the Fire Chief or Township Administrator in a bad light, even if the answer might cost someone else or you his or her job. You have no right not to answer my questions. I particularly stress that your ultimate duty and loyalty in your position run to Liberty Township, not any individual—and the people of Liberty Township are represented by the elected Board of Trustees. That means that no one, including the Township Administrator or Fire Chief, has any right to pressure you or give you a directive to withhold information or to shade the truth in any way. The Township Trustees, who are over all those people and you, have directed me to complete this investigation, and I speak with their authority in this interview.
- h. Normally, a public employee has the right to refuse to answer a question if you feel that the answer to that question may incriminate you under federal, state, or local criminal laws. “Incrimination” means that the answer could involve you in a risk of criminal liability, not that the answer would get you in trouble with your job or get someone else in trouble. A reasonable fear of criminal liability is extremely unlikely given what I am looking into—which involves how the Fire Department is being managed—but in this case, I am issuing you what is called a *Garrity* notice, meaning that nothing you say in here today can be used against you in any subsequent criminal investigation or proceeding, so in all cases, you must answer my questions fully, completely, and honestly—and your own job is conditioned on you doing that.
- i. You have chosen to have a union representative today. (Lt. Brian Niemet) While under Ohio law, a witness is not entitled to union representation unless he or she has a reasonable expectation of possible discipline—and that’s not the case here because you are not at all the subject of this investigation—we have agreed to allow you to have a representative with you today. But it is important to understand what your representative’s role is here today—and what it isn’t. Your representative is here to observe the proceedings, protect your rights, and you may seek his advice during breaks. Your representative may not interject, object to questions, tell you how to respond, tell you not to answer a question, or interfere with the process in any way. He understands those rules, so if your union representative is pretty quiet today, that does not mean that he is not doing her job. It means that he is observing the ground rules that are a condition for his being here. You can consult with your union representative, but not while a question is pending—meaning you have to answer the question first.
- j. Do you understand these ground rules that I have reviewed here? Yes.
- k. I am not recording this interview; are you recording it? No.

- l. Did anyone else besides me talk to you about this interview or investigation or in any way pressure you or tell you anything about what to say or not to say to me today? This would include either superiors or friends.
  - i. No.
- m. Do you have any questions before we proceed?
  - i. No.
2. What is your full legal name?
  - a. Scott M. Simmons.
3. Tell me about the position that you hold with Liberty Township.
  - a. Firefighter/Paramedic.
  - b. How long have you worked as a firefighter/paramedic for the Liberty Township Fire Department?
    - i. Hired full-time in May 2003; part-time in July 2001.
  - c. Were you hired into the position of full-time firefighter/paramedic that you hold, or did you have other positions before with the Liberty Township Fire Department?
    - i. See above.
  - d. Tell me about your basic responsibilities on a day-to-day basis at work—is there a special area of responsibilities?
    - i. Assist battalion chief with department radios, and serve on rescue committee. Otherwise respond to calls. I am Vice President of Local Union.
  - e. What significant prior work experience did you have before coming to work for the Township?
    - i. Fire service is all I have ever known, out of high school. Part-time chief for Hartford Township.
  - f. Who is your direct supervisor; to whom do you report?
    - i. Lt. Tim Oberle, Battalion Chief Duane Price.

4. Do you hold a leadership position in the union that represents the firefighter/paramedics at Liberty Township?
  - a. Yes.
  - b. And what is that position?
    - i. Vice President for 11 months.
5. How closely do you work with Fire Chief Tim Jensen?
  - a. We meet monthly for labor relations meeting—me, Matt Bowman, and Neal Brock. Try to meet once a month.
  - b. How has your work relationship been with him overall?
    - i. I would say good. We've been very successful working together.
  - c. I realize that it is always awkward to ask someone to discuss his boss's performance, but I need to do so—so I will ask, do you believe that Chief Jensen is effective in his role as a leader in the department, in your view?
    - i. Long pause, then yes.
    - ii. I think his job has been made very difficult for him since Day 1—from above him.
  - d. How do you think his credibility is with the firefighters and officers whom he leads?
    - i. Another pause, a really long one. He asks me to repeat, then "I'm not sure what to say there." It depends on whom you talk to. Some don't like him since the levy failed, and others are willing to help the department move forward. We want to be a successful organization and provide the best services we can.
  - e. How about his credibility with the Board of Trustees and Mr. Huffman, as far as you can tell?
    - i. With Mr. Huffman, I have only dealt with him in December when we renegotiated the contract—they seemed to work well together. That was a drastic change from Dave Anderson.
    - ii. Board of Trustees—Lenaghan five years, other two two years. I don't see how they work together (Trustees and Chief). Under the old administrator, everything funneled through Dave Anderson, but new Trustees have worked with the Fire Chief more directly. Other than that, I don't have

much direct info on how the Trustees interact with him, and the Chief does not discuss that. I have heard that Lenaghan wants reports on volunteers, but he doesn't know how the Chief has responded.

- f. What are the strongest or most positive aspects of Chief Jensen's performance?
  - i. He is very professional, polite, respectful, and easy to get along with. Deals with a bad situation with his son, and that's a lot on his plate.
- g. What if any are the main deficiencies or shortfalls in his performance as Fire Chief?
  - i. Follow through—some projects seem to take longer than others, but I don't know what's above him.
  - ii. He's not the dynamic leader that many people want—he is very team-oriented and listens to his officers from what I gather. But in labor-relations meetings, he can say, this is where we're going to go.
- h. I am not going to require you to answer any questions regarding internal union deliberations, because that is not the focus of this investigation, but I have been told that it was not that long ago that the union voted no-confidence in the Chief's leadership, and just a few weeks ago, you presented a letter to the Trustees supporting Chief Jensen when he was placed on administrative leave, so this was a pretty dramatic turn-around. Again, I am not requiring you to answer this question, but would you like to comment on what changed to lead the union to reverse that prior position?
  - i. There was a lot of anger when our levy failed—the place erupted and just went crazy. Went from finger-pointing to Trustee Lenaghan, then the Fire Chief, then at each other for not helping enough. And everyone was mad when we had to lay off; sick time usage went way up. Constant struggles internally and externally—there was a lot of anger and hate. And the vote was done. From what I remember it was supposed to be a back pocket issue, yet it leaked out.
  - ii. What has changed since then to support is that the guys feel that there may or may not be individuals taking their frustrations out and around the fire chief instead of addressing him.
    - 1. They brought someone else in—Comstock—he interviewed department. Fire Chief and Battalion Chiefs have done very well over the past two years to move this organization forward. Got the budget figured out, we're paying off the loan while keeping staff.
    - 2. It's been slow, and we're trying to move forward without waving the flag as much as we did pre-levy. Part of that is derived from the

first report, even though the Board does not agree with that first report.

- iii. I give him the chance to respond to the “devil you know” view—I would not say that’s true, after he thinks about it for a few moments.
6. As we look at the general management of the Fire Department, tell me about the recent attempts to pass a fire levy in the past few years, what happened, and what the impact was on the Fire Department. What is the impact of that in the fire department at this point?
- 1. See above—we covered.
  - 2. Have you seen Chief Jensen trying to get the Fire Department as a whole to move forward or look at the future?
    - a. Yeah, I have heard him tell numerous people, “the past is the past. We have to march forward to the next hurdle.”
    - b. If yes, has he been effective at that?
      - i. With the majority, yes. There is a minority that would not be happy with anyone as the Chief.
7. Tell me about how Chief Jensen represents to firefighters the relationship between your department and the Township Trustees and the Township Administrator.
- a. Do you see him as an advocate for the Township Trustees and management and their policies to the firefighters in your department?
    - i. At least in the current board, I have never seen a policy come down. The employee manual came down in 2009.
    - ii. Otherwise, never made it to my level. I have no sense of which direction the Board wants to go.
  - b. Do you see Chief Jensen as an effective advocate for the needs of the fire service and firefighters to the Township Administrator and Trustees?
    - i. I don’t know—I wouldn’t know that.
    - ii. Why or why not?
      - 1. N/A.



8. Has Chief Jensen ever discussed with anyone to your knowledge how he would handle reprimands of firefighter/paramedics involved in not transporting a patient with mental health issues for the City of Powell in December?
- a. The Union President wanted to grieve the fact that three or four guys were written up. We met with the shift and asked them what happened—do you want to grieve? President wanted to grieve. We did our own brief investigation. The one lieutenant said, “I don’t, I was in charge, I’ll take the write up. But I don’t think that my two firefighters who were with me deserve to be written up.” There were three there—me, Chalaco Clark, and Neal Brock. I said let’s talk about it. Chalaco calls me the “Chief Whisperer,” and I said, “Let’s go ask the Chief what’s going on.” Chalaco: “You do the talking; the Chief and I hate each other.” We asked for five minutes, and that’s all we got. I said that no one deserves to be written up for this, and we would like to do away with the write-ups and we don’t want to file a grievance. His answer was, “This is not coming from my office, there is a lot of pressure from above, let’s let the dust settle, and I’ll see what I can do.” He didn’t say he was doing away with the reprimands or anything.
- b. What can you tell me about those discussions?
- i. See above.
- ii. Were you aware that these reprimands were drafted but had not been put into the employees’ personnel files?
1. I haven’t heard a word about it since then. I assumed that they were written up and put in their files.
2. Did you at any point ever hear about anything that Chief Jensen may have said to the employees who were reprimanded following the December incident about what would happen to the reprimands?
- a. Yes, see above.
- b. Did you hear him say this?
- i. See above.
9. Are there any other areas involving Chief Jensen’s job performance that you think we have not covered that I need to know about?
- a. None that I can think of.
10. Is there anyone whom you think it is particularly important to talk to get a fuller picture of these issues?

- a. Neal Brock.
- b. Mickey Smith.
- c. Other fire chiefs he works with—John Donahue from Delaware, Genoa Township Gary Honeycut, Matt Noble (Orange Township). Powell City Council members.

11. What would those people likely tell me?

- a. That Tim Jensen is a good guy, maybe not a dynamic leader, but he brings good stuff to the table, quality substance.

12. Is there anything else that I have not asked you that you think I ought to have asked you so that I have a better understanding of these issues and what is going on here?

- a. No.

13. Because this is a pending investigation and I need to be able to talk with everyone free of people sharing their stories and memories, you are ordered not discuss this interview, the investigation, the questions asked, or the answers given to anyone, including Chief Jensen, of course. You can talk with your union representative, but we need this to remain confidential until the investigation is complete.

If anyone tries to speak with you about this investigation, please contact me.

**INTERVIEW WITH MICKEY SMITH**  
**Firefighter/Paramedic**  
**Liberty Township Fire Department**

**Tuesday, April 5, 2016 at 12:30 p.m.**

1. Explain my background and role in conducting investigation.
  - a. I am conducting this investigation under the authority of the Township Administrator and Board of Trustees of Liberty Township. That means that any directive that I give you during this investigation carries the same weight as if the Township Trustees and Township Administrator, who are obviously your appointing authority, had given you that directive. This investigation does not in any way relate to your conduct specifically, and there is no reason at all to believe that you have done anything wrong or that your behavior as an employee is in way in question. Obviously, I can't know that that won't change, because I don't know yet what you will be telling me. But at this point, you are not in any way the subject of this investigation.
  - b. The directives I am giving you here are routine in any administrative investigation, and are not specific to you. I have given and will be giving them to everyone I interview, including the Township Administrator.
  - c. This is an administrative investigation for purposes of determining whether there are any employment or disciplinary issues in the Liberty Township Fire Department that the Township needs to address. While this is an investigation, and that often calls to mind police investigations that we see on television programs or that might follow a suspicious fire, this investigation is not at all criminal in nature, and we have no reason to believe that any issue of that kind exists. Having said that, as I noted a few moments ago, I obviously don't know what you will tell me, so I can't give you a categorical assurance that none of your answers can create criminal issues for you or someone else. But that is not the purpose of this interview and is not something we at all expect or suspect. It is my purpose to get to the bottom of some issues that may need to be addressed by the Township Trustees and Administrator.
  - d. It is very important that you understand my questions before answering. Listen carefully before answering, make sure that you understand the question before answering, and feel free to ask me to rephrase or repeat. Don't answer my question until you understand it, because once you answer it, I will conclude that you understood it and gave a truthful answer to the question.
  - e. If you need to take a break to go to the bathroom, get some air, or anything like that, just let me know—but not if a question is pending.

- f. You are required to answer every question I ask fully, completely, and honestly—even if the truthful answer puts you, a fellow employee, or even the Fire Chief or Township Administrator in a bad light, even if the answer might cost someone else or you his or her job. You have no right not to answer my questions. I particularly stress that your ultimate duty and loyalty in your position run to Liberty Township, not any individual—and the people of Liberty Township are represented by the elected Board of Trustees. That means that no one, including the Township Administrator or Fire Chief, has any right to pressure you or give you a directive to withhold information or to shade the truth in any way. The Township Trustees, who are over all those people and you, have directed me to complete this investigation, and I speak with their authority in this interview.
- g. Normally, a public employee has the right to refuse to answer a question if you feel that the answer to that question may incriminate you under federal, state, or local criminal laws. “Incrimination” means that the answer could involve you in a risk of criminal liability, not that the answer would get you in trouble with your job or get someone else in trouble. A reasonable fear of criminal liability is extremely unlikely given what I am looking into—which involves how the Fire Department is being managed—but in this case, I am issuing you what is called a *Garrity* notice, meaning that nothing you say in here today can be used against you in any subsequent criminal investigation or proceeding, so in all cases, you must answer my questions fully, completely, and honestly—and your own job is conditioned on you doing that.
- h. You have chosen to have a union representative today. While under Ohio law, a witness is not entitled to union representation unless he or she has a reasonable expectation of possible discipline—and that’s not the case here because you are not at all the subject of this investigation—we have agreed to allow you to have a representative with you today. But it is important to understand what your representative’s role is here today—and what it isn’t. Your representative is here to observe the proceedings, protect your rights, and you may seek his advice during breaks. Your representative may not interject, object to questions, tell you how to respond, tell you not to answer a question, or interfere with the process in any way. He understands those rules, so if your union representative is pretty quiet today, that does not mean that he is not doing his job. It means that he is observing the ground rules that are a condition for his being here. You can consult with your union representative, but not while a question is pending—meaning you have to answer the question first.
- i. Do you understand these ground rules that I have reviewed here? Yes.
- j. I am not recording this interview; are you recording it? No.
- k. Did anyone else besides me talk to you about this interview or investigation or in any way pressure you or tell you anything about what to say or not to say to me today? This would include either superiors or friends.

- i. No.
- 1. Do you have any questions before we proceed?
  - i. No.
- 2. What is your full legal name?
  - a. Mickey D. Smith.
- 3. Tell me about the position that you hold with Liberty Township.
  - a. Firefighter/Paramedic.
  - b. How long have you worked for the Liberty Township Fire Department?
    - i. Since February 23, 2004.
  - c. Were you hired into the position that you hold, or did you have other positions before with the Liberty Township Fire Department?
    - i. Hired in as full-time FF/paramedic.
  - d. Tell me about your basic responsibilities on a day-to-day basis at work—is there a special area of responsibility?
    - i. Besides FF/EMS, I'm the grant-writer for the department, and I serve in some particular committees on EMS.
  - e. What significant prior work experience did you have before coming to work for the Township?
    - i. Started out as FF/EMT Basic in mid-1990s before I left high school, was volunteer or part-time until hired here. I was also full-time dispatcher for Mansfield/Richland County police/fire/EMS.
  - f. Who is your direct supervisor; to whom do you report?
    - i. Lt. Ryan Hanf, Chief Price.
- 4. How closely do you work with Fire Chief Tim Jensen?
  - a. I interact with him frequently when it comes to grant projects—the grants are the extra component.

- b. How has your work relationship been with him overall?
    - i. Over the last 13 years, primarily good. We have our disagreements like anyone else would, but we have always been able to talk them out. The only time that he and I have had a negative interaction was in relation to a grievance I filed several years—I was unhappy about the entire situation. It related to a social media post on a forum re Liberty Township/Topix forum—he found me in violation of that policy.
  - c. I realize that it is always awkward to ask someone to discuss his boss's performance, but I need to do so—so I will ask, do you believe that Chief Jensen is effective in his role as a leader in the department, in your view?
    - i. Prior to the levy failure, I would not describe it as effective.
    - ii. More effective now that we have battalion chiefs and spread out responsibility, it's better.
  - d. How do you think his credibility is with the firefighters and officers whom he leads?
    - i. His credibility—honesty and integrity are not a problem.
    - ii. Makes it a lot more gray (my explanation)—he was never a person with the fire in the eyes. He is not aggressive, but I would follow him into a fire or run. But were there times when he didn't follow through with what he said—I'm sure of it.
  - e. What are the strongest or most positive aspects of Chief Jensen's performance?
    - i. He is a very consistent individual. When it comes down to it, as long as he is focused on a task, he is very consistent on his outcome.
    - ii. I never saw the man in a bad mood, no matter what he was going through. He doesn't let troubles show to his guys or take it out on the them.
  - f. What if any are the main deficiencies or shortfalls in his performance as Fire Chief?
    - i. He's very inconsistent—if he is not focused on a task, you're not necessarily going to get a good outcome.
5. Have you played any kind of role in helping the Fire Department in applying for or securing grant funding for particular programs or projects?
- a. Yes.

- b. How did you get involved in assisting the department with securing grants of that kind?
- i. With prior Chief, I wanted to find a role in this department, I walked into Chief Bernans' office and I asked about applying to Assistance to Firefighters Grant (AFG) through FEMA/Homeland Security. He was very reserved and rigid person, and also intimidating—he looked at me and said, “Do you honestly think that you’re smart enough to do it?” Took it as a challenge—drafted a grant application, and he signed off on it. First application we put together was awarded just prior to or post his retirement. Chief Jensen was writing grants before that and started to ask me to take up that role.
  - ii. How would you describe Chief Jensen’s independent understanding of the process of applying for outside grants and then doing what is necessary to ensure that any requirements for those grants are complied with?
    1. Grant writing itself—when I first started, he was semi-involved as an administrator. It got to the point when he said, “Go find me money and let me know about it before you apply for it.
    2. Initially, he was very involved in it—example, one of the AFG awards, he put together committees with multiple people managing. He delegated authority. As things progressed on with some of the reporting, things started getting a little shaky because he did not know the rules like I know the rules, and he relied on me to keep things in order. Specifically, I don’t recall the year of the social media post incident, but during that time we had differences of opinion on that issue, and at that point, he took me out of charge of the grants and asked me to step away. During that time, there were several open applications that needed to be managed—and I did not know that that was not happening until I walked back into his office and I told him that I had no problem with him—I’ll apologize and let’s move on. I asked to come back to the grant process, and he looked relieved.
- c. Did you ever have any concerns over whether the Fire Department was fully complying with the procedures or requirements necessary after the Township received any grants?
- i. Yes, see above. When I came back in, I logged in and found that many of the reports that were due were not done. This was a while ago—not exactly sure (April or May of 2013). Still does that.
  - ii. [If yes.] Tell me more about that.

1. Other than that period, no problems because I've been in charge with compliance since then.
  2. Did you bring these concerns to Chief Jensen's attention or that of anyone else in management?
    - a. When I logged on and saw that the reports weren't done, I tried to figure out what was wrong before I went to the chief. After I figured it out, he and I talked about it. He focused on what we needed to do to fix it.
    - b. What happened?
      - i. I didn't appear that anything had been done, or if they had, they hadn't been saved.
      - ii. How bad was it? From a period of award, you have one year to complete scope of work you asked for in the grant, and you're required to fulfill reporting (a minimum of two SF425 forms). You are also required to file a semi-annual performance report summarizing where we are—at 6 mo. and 12 mo. point. After that, you have to do a final financial report and a final performance report. When that's complete and accepted, you have to do a grant close-out—all property bought with federal funds must be listed on the form. When you submit final report, the program managers will either close out the grant or kick it back to provide more information. The problem is that the AFG runs two to three years behind, so that it may go unnoticed for a time—2013 grants just now being closed out. Not really in peril as a practical matter—but not going to happen if I could get the reports in, and I was in contact with FEMA Region 5 representative Vicky Hansen to get caught up.
6. Have you ever cursed at or used obscenities in speech to an elected official of Liberty Township?
  - a. No sir, I have not. It has to be when I was sitting in the front row of the Trustees' meeting, I was sitting across from Melanie during levy controversy, and I said, "you are absolutely disgraceful in what you are doing." She asked me to repeat, and I repeated just that again. It was in 2013.
  - b. [If yes.] Tell me about each such occurrence.



- i. See above.
  - ii. Go below to ask follow-up questions.
- c. [If no.] Did you ever call Melanie Lenaghan “a fucking bitch”?
- i. No.
  - ii. [If yes.] Why did you not answer my question when I just asked you?
    - 1. No. Absolutely not.
    - 2. What happened that led you to say that?
      - a. See above.
      - b. Would anyone other than you or her hear you say that?
        - i. I don’t know who was around me.
    - 3. Do you think it is appropriate or permissible for a Township employee to address an elected official in that manner?
      - a. N/A.
- d. Do you know if Chief Jensen was aware that you had called a Trustee “a fucking bitch”?
- i. He came to me and said, “I heard what you said to Melanie,” and he gave the quote that Duckett said. I said, “that is not what I said,” and he said, “Well, I heard about it.”
  - ii. [If yes.] Did he address that with you in any way or take any action in response to that incident?
    - 1. Just the one conversation with him that I recall, no disciplinary action.
    - 2. What did he do or say?
      - a. See above.
  - iii. [If no.] Did anyone else in management know about this, to your knowledge?

1. N/A.
2. Did anyone in management address this issue with you in any way?
  - a. N/A.
7. Are there any other areas involving Chief Jensen's job performance that you think we have not covered that I need to know about?
  - a. Not that I can honestly answer factually.
8. Is there anything else that I have not asked you that you think I ought to have asked you so that I have a better understanding of these issues and what is going on here?
  - a. Background to Liberty Township—I don't believe that any of his perceived lack of performance are malicious or with intent. I do strongly believe that there is a gorilla—you are in one of the most, worst political areas, where politics overrules common sense. A lot of those performance issues were brought about by David Anderson, who threw up a lot of stumbling blocks for the fire chief and the Fire Department. The politics involved with him and the Trustees, specifically Lenaghan, has created a culture in the department that precipitated these events. Prior to those two, this department ran just fine, at least the time I was here.
9. Because this is a pending investigation and I need to be able to talk with everyone free of people sharing their stories and memories, you are ordered not discuss this interview, the investigation, the questions asked, or the answers given to anyone, including Chief Jensen, of course. You can talk with your union representative, but we need this to remain confidential until the investigation is complete.

If anyone tries to speak with you about this investigation, please contact me.

**INTERVIEW WITH WARREN YAMARICK, M.D.**  
**Medical Director**  
**Liberty Township Fire Department**

**Tuesday, April 5, 2016 at 5:30 p.m.**

1. Explain my background and role in conducting investigation.
  - a. I am conducting this investigation under the authority of the Township Administrator and Board of Trustees of Liberty Township. While you are not a Township employee, I know that you play an important contract role with the Township's EMS operation, and we need your full cooperation in some limited areas, none of which will involve asking for any personal health information of the care of particular patients, so we will not get into any confidential medical information. While it likely goes without saying I want to be clear that this investigation does not in any way relate to your conduct and no one things you have done anything improper in any way.
  - b. This is an administrative investigation for purposes of determining whether there are any employment or disciplinary issues in the Liberty Township Fire Department that the Township needs to address. While this is an investigation, and that often calls to mind police investigations that we see on television programs or that might follow a suspicious fire, this investigation is not at all criminal in nature, and we have no reason to believe that any issue of that kind exists. It is my purpose to get to the bottom of some issues that may need to be addressed by the Township Trustees and Administrator.
  - c. As an employee of the Township, we need you to answer every question I ask fully, completely, and honestly—wherever that leads.
  - d. Do you understand these ground rules that I have reviewed here? Yes.
  - e. Did anyone else besides me talk to you about this interview or investigation or in any way pressure you or tell you anything about what to say or not to say to me today? This would include either superiors or friends.
    - i. No.
  - f. Do you have any questions before we proceed?
    - i. No.
2. What is your full legal name?
  - a. Warren K. Yamarick, M.D.

3. Tell me about the role that you hold with Liberty Township.
  - a. Medical Director.
  - b. How long have you worked with the Liberty Township?
    - i. Paid position for 16-17 years; three years as a volunteer, then put on for health insurance reasons.
  - c. And how you are compensated—do you bill for your services or is there a contract for a flat rate?
    - i. He is an employee; OPERS covered.
  - d. Tell me about the rest of your medical practice—what is your specialty area?
    - i. Medical Director/Chairman at Riverside.
  - e. Who is your primary contact with the Township Fire Department?
    - i. Bill Piwtorak, EMS coordinator.
4. How did you come to serve in that role?
  - a. Started in volunteer role; see above.
  - b. In this role, how closely do you work with Fire Chief Tim Jensen?
    - i. We would meet occasionally to discuss things if related to a run, if he was involved—Piwtorak is the main contact.
5. Let's talk about your experience working with Chief Jensen.
  - a. How has your work relationship been with him overall in your service as Medical Director?
    - i. Cordial. It's hard when you had prior chief, transition was hard. He was a much more military, chain of command, more direction and expectations. The guys knew not to mess up.
  - b. I realize that it is always awkward to ask someone to assess another person's performance, but from what you can observe, do you believe that Chief Jensen is effective in his role as a leader in the department, in your view?
    - i. I don't think he is effective in being the leader. I don't think the guys listen to him. We need to be led; John Bernans did that. They're not going to die

on the hill for the guy. They are rallying now because he is being attacked from the outside.

6. Specifically, how effective has Chief Jensen been in leading his department to comply with appropriate protocols and standards of treatment that would apply to emergency medical services in a local fire department?
  - a. The majority of time, good. Most recent issue—Powell police—not good.
  - b. Have you had any concerns in that area?
    - i. No, the majority of time it's between Bill and me. If there was discipline that needed to be done, Bill talked with Jensen to confirm. He would normally allow me to say what needed to be done—punishment or training.
    - ii. [If yes] Did you ever address those with Chief Jensen?
      1. No, because it never got to the point where I needed to say something, because I handled it with Bill.
      2. [If yes] What was the response or the outcome?
        - a. N/A.
  - c. Have you ever made any suggestions or recommendations to Chief Jensen about changes that may be needed in the Department's procedures or problems with compliance with procedures?
    - i. I would try to keep a low protocol—he didn't even ask me who should get the award; it's a beauty contest. I can probably veto, but never asked up front.
    - ii. [If yes.] What was Chief Jensen's response?
      1. N/A.
  - d. Do you find Chief Jensen an effective leader when it comes to keeping his department up to speed on emergency medical services?
    - i. It's Bill.
7. Are you familiar with an issue that arose with the City of Powell police in December 20, 2015 involving the transport of a woman with mental health issues to a local hospital?
  - a. Yes.

- b. Tell me what you know about that.
  - i. I had heard through the grapevine (maybe Bill told me or Chief Vest, who was upset about the transport). Bill gave me the report on the run and brought it to my attention—what is my opinion on how this should have gone down. I knew that Vest was upset and had called the Chief. I told Bill that general order was done on March 20, issued by Bill and me—General Order, Exhibit 7. Transport in medic, bring police officer if you need it. I reminded Bill, this is our general order. Two runs, same patient—initial call that was cancelled. Called back second time. Daughter out of control, hitting herself with brick, underage drinking and mental illness. I told Bill, we should have taken her—this is mandatory. Whether there was pink slip is totally irrelevant—see order. The issue is a mental health transport.
  
- c. What does the protocol require when it comes to the transportation of a person with mental illness who needs care or is subject to an involuntary hold?
  - i. See above.
  
  - ii. How would Chief Jensen and managers in the fire department know about that expectation?
    - 1. General order.
  
    - 2. Had reluctance to transport persons with mental illness been an issue with Liberty Township EMS in the past?
      - a. It might have been a question, police asked, and we issued policy to transport. If you're called 9-1-1, there better be a damned good reason to transport. Reflects lack of seriousness in viewing psychiatric illnesses.
  
  - iii. Do you believe that the decision of Liberty Township not to transport the woman in question in December 2015 was a proper one under the then-applicable protocols?
    - 1. No.
  
    - 2. Why or why not?
      - a. See above.
  
    - 3. Did you have any conversation with Chief Jensen or anyone else in senior management about what action if any should be taken in response to that incident?

- a. I said they are wrong to Chief and Bill. When we do run reviews, I will say that the quality was not met and care was not standard. I know I talked with Chief before meeting with the Police Chief. Had a sense that Chief Jensen was more upset about Chief Vest interfering with his department than he was about the handling of the call.
  - b. Meeting with task force—Piwtorak, me, Jensen, Vest, two officers (Sgt. Sallows, who did the report), and another officer, and a Delaware County Sheriff Office representative. Meeting was in January. Chief Vest gave his opinion that we need to have transport by EMS; he had told Jensen, “If you won’t transport, I will call someone else,” but I said, “We’re not calling someone else into my township, we’re giving transport.” When Chief started speaking, it sounded like he was saying we don’t have to transport—I stopped him during presentation, “Sorry, Chief, that’s not how we should be doing this. My order says we will transport.” He didn’t say anything then or afterwards. That’s the point of a general order and a medical director. He was going down that pathway, and I stopped it—we will transport, we will take these people in, and it’s our guys who will transport. It’s our scene, not a police decision. It’s our territory, not a police scene or call—police can secure her if needed, but neither they nor the patient decide. They also did a lousy job assessing it—drank a third of a bottle of bourbon and was .32 in the ER two hours later. Bill knew how upset I was; this was patient care, and they went directly against the memo.
  - c. Were you satisfied with management’s follow-up to what happened there?
    - i. I stay out of it.
  - d. Do you have any other concerns about the management of emergency medical services at Liberty Township?
    - i. No. Overall we do good EMS care.
    - ii. [If yes.] Tell me about your concerns.
      - 1. N/A.
8. Were you aware of an issue a few years ago about medical supplies going missing from Department stocks?

- a. Yes. I know there was an investigation, we had controlled substances missing—concerns about abuse but no proof. But that’s not my world—but fix it!
  - b. [If no.] You weren’t aware of a Sheriff’s Department investigation?
    - i. N/A.
  - c. [If yes.] What can you tell me about that?
    - i. Don’t know—I don’t get into the handling of the consequences.
    - ii. Did you ever talk about Chief Jensen about this issue and what response that either you or he thought might be appropriate?
      - 1. No, talked with Bill. Chain of command is me to Bill and then Bill to the Chief.
      - 2. [If yes.] Tell me about those conversations.
        - a. N/A.
9. Are there any other areas involving Chief Jensen’s job performance that you think we have not covered that I need to know about?
- a. No.
10. Is there anything else that I have not asked you that you think I ought to have asked you so that I have a better understanding of these issues and what is going on here?
- a. There are camps at each other’s throats. Get the job done and don’t make excuses.
  - b. No fear of consequences. We had a chief who expected accountability—and people knew it.
11. Because this is a pending investigation and I need to be able to talk with everyone free of people sharing their stories and memories, on the Township’s behalf I am requesting that you not discuss this interview, the investigation, the questions asked, or the answers given to anyone, including Chief Jensen, of course.

If anyone tries to speak with you about this investigation, please contact me.