

November 3, 2017

Via email only

Mark Gerber
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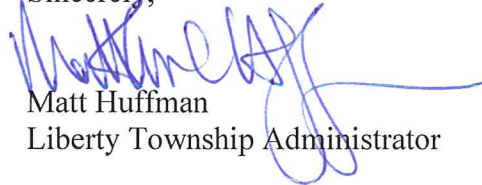
James Hurt
k8mk@frontier.com

Re: Douglas Duckett's notes

Mr. Gerber and Mr. Hurt:

As required by the October 26, 2017 Ohio Court of Claims decision, enclosed please find copies of Douglas Duckett's notes. Redactions to these records were made pursuant to Ohio Rev. Code § 149.43(A)(7)(c), which exempts from disclosure medical information of covered employees, including EMTs and firefighters. Should you have any questions or challenges regarding these redactions, please provide me the specific legal authority in support of such challenge.

Sincerely,



Matt Huffman
Liberty Township Administrator

INTERVIEW WITH CATHY BUEHRER
Human Resources Specialist
Liberty Township

Thursday, March 24, 2016 at 10:30 a.m.
Continued on Tuesday, March 29 at 3:00 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 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 disciplinary or even 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, 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 Administrator, who is over all those people and you, have directed me to complete this investigation, and I speak with his authority in this interview.
- g. The only exception to your obligation to answer every question fully and truthfully involves a scenario that I emphatically do *not* expect to be an issue here, but I always need to cover this possibility with anyone whom I interview. 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 if you believe that the answer to one of my questions might incriminate you under criminal law, you need to assert your right not to answer on that basis, and we will decide where to go from there. I always have to cover this possibility in an investigation as a matter of routine, so that is not intended to alarm you.
- h. Do you understand these ground rules that I have reviewed here? Yes.
- i. I am not recording this interview; are you recording it? No.
- j. 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.
 - a. No.
- k. Do you have any questions before we proceed?
 - a. No.
- l. What is your full legal name?
 - a. Catherine J. Buehrer.
- m. Tell me about the position that you hold with Liberty Township.

- a. Human Resources Specialist.
- b. How long have you worked as Human Resources Specialist for Liberty Township?
 - i. Officially just this past February, but took the position in October and then quit doing the HR part of the work in January partially because of Fire Department's failure to follow HR procedures (and Trustees not backing me up). Had issue with consistency of treatment of departments. "Get someone in here who Jensen can work with"—I had good working relationship with Jensen until that point. Trustees decided to switch the position to full HR and gave me the assurance that the Trustees would refocus their approach to HR and I would be listened to and taken more seriously.
- c. Is this position full-time or part-time?
 - i. Part-time; I don't want full-time.
 - ii. How many hours per week, typically?
 - 1. Should be 20-25 hours per week, though I've been working more lately.
- d. Were you hired into the position of Human Resources Specialist that you hold, or did you have other positions before with Liberty Township?
 - i. Hired in as Administrative Assistant, though always had a degree of HR responsibility. Prior Administrator Dave Anderson hired me in January 2012; he desperately needed secretarial support on a part-time role. But he knew I had a background in HR and wanted to use that.
- e. Tell me about your basic responsibilities on a day-to-day basis at work—what is your role, particularly the human resources aspect?
 - i. Always did BWC claims, FMLA, but the assistant fiscal officer has always done payroll and insurance benefits. If there are discipline issues, I help; grievance hearings. Trustees main focus is that all employees have valid job descriptions, right position doing the right thing. Also involved with recruiting but that's been limited.
 - ii. How has that role changed, if any, over the past year or two?
 - 1. See above.

- f. What significant prior work experience did you have before coming to work for the Township?
 - i. From 1989-99, I was in human resources for ODAS, eventually Human Resources Administrator for DAS itself.
- g. Do you report directly to the Township Administrator Matt Huffman?
 - i. Yes.
- n. Tell me about the Township's workforce. Who do you have working where?
 - a. We have total of 41 full-time firefighters, 3 in administration, and 7 in roads, and 5 in parks. Most of park staff is part-timers, and no PT firefighters right now, but currently hiring 12-20 part-timers. (Union not objecting to that, interestingly.)
 - b. In the Fire Department, how many full- and part-time firefighters?
 - i. See above.
 - c. 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. It's very hard to tell. The firefighters are still feeling that they are downtrodden and beaten up by the Trustees because of the levies and reduced staffing levels. They feel that they have nothing because of budget constraints—but we think that everything they have asked for, they have gotten.
- o. 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—November 2012.
 - i. What happened?
 - 1. Complete debacle, soon after I started here. We had a faction of the people in the Township who support Melanie Lenaghan, others support the other two. Melanie opposed the amount of the levy, and opposed it very publicly,

recruiting other opponents. Popular belief is that she wants to destroy the Fire Department. Jim Cirigliano, our assistant fiscal officer, was a strong supporter.

ii. Aftermath.

1. Layoffs?

a. Got rid of all part-time FFs, there were to be 7-8 positions cut. In reality, no one was actually laid off; we were able to cut through attrition.

2. Reduced levy passed in May 2013 primary (or August). Lenaghan supported this, and it was remarketed with better explanation of what the funds were needed for.

3. Climate—relationship of firefighters with Chief, Trustees, and rest of the Township.

a. That set in stone the adversarial attitude or even hatred between the Chief and Trustee Lenaghan. Much of staff resents her; she defeated a long-time Trustee in her election. So levy solidified that feeling. Really drew sharp lines of animosity.

b. Cirigliano is seen as hero of the Fire Department because of his support of the levy, but he has been on the opposite side of Lenaghan. Jim is now full-time, with half of his time doing administrative assistant work for the Chief.

p. How closely do you work with Fire Chief Tim Jensen?

1. I would work with him more closely if he were willing to do that. He and I had a very good relationship under Dave Anderson; department heads struggled to get time with him. I thought that the Chief and I had a good, personal working relationship—though he has never followed any procedures on things like BWC, FMLA, documenting performance issues.

2. How has your work relationship been with him overall?

ii. Overall it has been good, but since October/November, it has been very tense. So much so that about a week before he was put on administrative leave, he gave me a coffee mug and apologized—said he wanted to start a new slate, “I know that I screwed everything up on HR; let’s clean slate it.”

- iii. I sense that much of this resistance is because the Chief does not like woman telling him what to do. But no overt sexism.
- 3. Is he effective in his role as a leader in the department, in your view?
 - a. No. It depends on definition of leader—but in a working environment, I define leader as the ability to gather forces together, move in one direction, and commands authority so that people are willing to follow. He does not do that, and he does not boost morale. And people absolutely don't fear consequences of not following him; there are none. Good at “buddy, buddy” but not at leading.
- i. How do you think his credibility is with the firefighters and officers whom he leads?
 - i. I think everyone really likes him because he is a very nice guy. He is very touchy feely, gets their needs and moods. Because of that, they are very protective of him—even though IAFF Local had a unanimous vote of no-confidence in him. “Really nice guy, great fire chief, everyone loves him.”
 - j. How about his credibility with the Board of Trustees and Mr. Huffman?
 - i. Trustees: I think that is something you will get different answers on. Tom Mitchell is opposed to this investigation, though he has said “Do I wish we had another chief? Absolutely.” And he thinks we don't have a voice in regional funding issues, and there is no leadership. Melanie—no love lost between the two of them or the Fire Department, though she has not opposed what the Fire Department wants to do. Ongoing post-levy issues. Shyra has been the middle person through it all, and she talks to the battalion chiefs way too much.
 - ii. Matt sees him credible in some things, but not in leadership -- none.
- k. What are the strongest or most positive aspects of Chief Jensen's performance?
 - i. I think he is a nice person to talk with, he listens, he presents as genuine.
 - ii. He is a great public image for the Township; he is friendly and open and loves promoting the Fire Department and the Township. He is a huge proponent of his guys—but to a fault.
 - iii. He loves the fact that he is the voice of the FD for the Township to the public, and he does it well.
- l. What if any are the main deficiencies or shortfalls in his performance as Fire Chief?

- i. Lack of leadership, perception by his staff that there are no repercussions if things go wrong. He can't manage people or things.
 - ii. Not able to be a really strong advocate for different direction or change.
 - iii. Inconsistent in his application of policies.
 - iv. Has a hard time communicating on tough or unpleasant subjects—he is conflict-avoidant and passive-aggressive on some things.
- 2. Let's talk about the Battalion Chiefs directly under him—we'll take them one at a time. For each, I would like you to give me a general assessment of their performance, and then strongest points and areas needing improvement.
 - a. Let's start with James Reardon.
 - i. General assessment.
 - 1. He is an effective battalion chief; he was assistant chief. Most of his FFs like him. He is very outspoken and uses humor, but he is committed to getting the work done. But I don't work closely with him.
 - ii. Positive aspects of performance.
 - 1. See above. He's a strong leader over there, and very dedicated to the Township and fire service.
 - iii. Weaker areas or areas needing improvement.
 - 1. Sometimes jokes too much; speaks before thinking at times. Didn't document the Powell incident—too much of a friend to his guys?
 - b. Bill Piwtorak.
 - i. General assessment.
 - 1. He is a pretty funny guy, strong leader, presence commands authority—big, scary looking guy. Well respected in the Fire Department and public. He does not mince words and says it as he is. Big advocate for EMS and serving older adults.
 - ii. Positive aspects of performance.
 - 1. He is very much into procedures and working by the book—military-type approach.

- iii. Weaker areas or areas needing improvement.
 - 1. None that she can think of.
- c. Duane Price.
 - i. General assessment.
 - 1. He is over training, and he is very good at that. He is very much into the growth of the individual firefighter. The FFs like dealing with him a lot, but he is not necessarily a forceful leader—but this is also new to him (in job about a year).
 - ii. Positive aspects of performance.
 - 1. See above. He wants to see consistent policies and process.
 - iii. Weaker areas or areas needing improvement.
 - 1. I think he needs to grow into being a more forceful person when leading his men; he came out of union leadership.
- 3. From my review of the file and documents you provided, as well as my initial meeting with you and Mr. Huffman, I now want to turn to a discussion of some specific areas of concern. Let's start with issues involving Chief Hensen's processing of workers' compensation and BWC paperwork.
 - a. What is the procedure that should be followed?
 - i. In the Fire Department, they get injured, immediately reported to their supervisor. They submit the FROI to BWC and CareWorks (MCO). The Battalion Chief or Jensen should notify me immediately, because CareWorks has to certify or deny the claim. About a year ago I stopped certifying any claim where the paperwork was not submitted—I would not have anything three weeks or a month after the injury. The excuse was that we never had anyone to do HR, but now we did and I still was not getting paperwork. What fixed that was when Jim Cirigliano went over there; it was so heated between me and the Chief, and Jim started handling it. And the Chief had begged for HR, but when I would constantly ask him for things I could do for him, he never would follow through.
 - ii. And how does Chief Jensen know that?
 - 1. I put it to him in writing—see stuff that Cathy mailed to me, and she will check for more.

- iii. Who has authority to certify or deny firefighters' workers' comp claims on the Township's behalf?
 - 1. Cathy—that's been in place for a long time.
 - 2. Has it always been your exclusive role, or is that a more recent change?
 - a. Not recent; goes back to Dave Anderson period.
 - b. How was that communicated to the Chief and other department heads?
 - i. I can't remember how—but the other department heads knew to do it. It was without a doubt official as of October when my role was created.
 - c. How did the Fire Chief react to your assuming this authority?
 - i. He would never address me about it, despite a number of e-mails saying that we need to straighten this out. "If you don't want me doing this. . . ."
 - d. Have you had issues with any other department heads or managers when it comes to your authority to certify or deny claims or in getting the paperwork you need to you in a timely way?
 - i. No other issues. I work well with Randy in Roads, Andy over Parks, and I work well with the Battalion Chiefs.
- b. How would you assess Chief Jensen's performance when it comes to handling the paperwork you need to process these workers' comp claims?
 - i. The Chief's role is extremely low until Jim took it over—he was handling it and got it done.
 - ii. What if any has been the impact on either employees receiving their benefits or on the Township's ability to defend against questionable claims or control costs?
 - 1. Questionable claims are a big problem—Mickey Smith claim for injury years ago, hurt his [REDACTED] in volleyball. He also filed a claim in June 2013 for injury working out. Smith's claim was denied until

reworded (with help of our physical therapist). When I asked the Chief who authorized this, I got no response.

2. Big issue with me and the Chief about guys working out on duty incorrectly and hurting themselves. Either train people or pull the machines out of the firehouse—"Fine, but make sure there are spotters." He was going to do that, but it never happened.
 3. Dell Looney, FF was on paid injury leave for over a year, yet he refused to return phone calls or contacts from TPA or MCO—and he is on paid sick leave the whole time. Legit injury—fell through a roof in a fire. Anderson and Chief clashed hugely over this
- c. Have there been issues involving firefighters going to medical appointments relating to active workers' comp claims on duty?
- i. Yes.
 - ii. Tell me about any such incidents that you recall?
 1. Employee was back to work for quite a while—Capt. Piwtorak had sent an e-mail to the Chief that he had a doctor's appointment tomorrow and will be taking the township car and going to the appointment. I saw it and sent an e-mail to the Chief saying that he should not be going to appointments on duty or using our vehicle—Chief was dumbfounded and refused to accept that. Chief resisted this. He finally acquiesced.
 - iii. Do you know that Chief Jensen understood that he should not be allowing employees release time and the use of Township vehicles for such appointments?
 1. See above—and the chain of e-mails.
 - iv. Has this continued to be an issue or problem with Chief Jensen after you discussed it with him?
 1. That resolved itself, but I don't know how often it went on before.
4. Let's talk about the process of developing position descriptions for jobs in the Fire Department or anywhere else in the Township. How does that work?
- a. Initial time was early October 2015—Trustees made clear in the board meetings that their top priority was to update and redo all job descriptions, and I was to oversee that process. Everyone was to work with me if there were making changes or new positions. Jensen would have been at those meetings. Matt also had a staff

meeting with all department heads on that. Matt also sent an e-mail out on that policy.

- b. Is that policy a long-time one or relatively new change in procedures?
 - i. Change in October. It didn't help that at the same time that happened we were in the middle of a campaign involving the Fiscal Officer (Mark Gerber) who had recruited Jensen and Tom Mitchell to keep him in office and protect Jim in the Fire Department if Mark were to lose.
 - ii. How were those changes in procedures communicated to Chief Jensen and the other department heads?
 - 1. See above.
 - 2. Do you have any examples or other indications that would show that Chief Jensen understood those procedures?
 - a. He knew because even before I was officially in HR role, Jensen sent me position descriptions to review in April 2015, tweaking Jim's part-time position in Fire Department. He knew that what my role was—but that worked when there was no issue with the position.
 - c. How well has Chief Jensen and the Fire Department worked with you in the development and approval of new position descriptions, and give me specifics?
 - i. Not at all. The Administrative Specialist position for Jim Cirigliano in the Fire Department—it was not until a few days before the Board meeting where they were going to ask the Board to approve that I saw and read it. Lots of problems—the position description did not match the proposed pay, and there were HR duties even though that was my role. \$7-8/hour more than I was being paid for many duties that I perform; I went to Matt. Jensen called the position “temporary,” and temporary positions don't get health care, so he would lose health care. Didn't have Jim's name or pay on it—so Trustees had not approved his hiring. Chief Jensen also brought a firefighter on in December; he was on the layoff list but that list had expired. Jensen wanted to hire him without posting or interviews, but I recommended that there was a search process. He got the Trustees to approve without that. They brought him back at the pay he left with all of his seniority even though there was no layoff list or recall.
 - ii. Now that Jensen is gone, BC Duane Price came over requesting her to create part-time position descriptions and posted, and we got it done in two days.
5. Let's talk now about disciplinary records, such as suspensions or written reprimands.

- a. I am assuming but would like you to confirm that only the Board of Trustees has the authority to actually discharge, demote, or suspend an employee?
 - i. Only the Board of Trustees.
- b. Does a department head such as the Fire Chief have the authority to issue a written reprimand on his or her own authority?
 - i. Yes.
 - ii. What role, if any, do you have in that?
 - 1. Depends on department—if it is an issue I know about, I try to guide on documentation, and to ensure that it's in the file where it's supposed to be.
 - 2. Do either you or Mr. Huffman have to sign off or approve a reprimand?
 - a. In the discretion of the department head, but notifying us after the fact.
 - iii. What is your role in maintaining documentation of formal disciplinary action?
 - 1. We had a fight about maintaining the files. They were all located here, but the FD maintained their own version of the files. In October, I sat down with Jim and said we need one set of files. They decided to move all the files to the Fire Department; that's part of why I quit the HR role in January. I didn't have access; I only got I after a huge fight and after we put Jensen on admin leave. Matt and I met with Jensen and Cirigliano (I stepped down from HR, but the Trustees and Matt wanted me back in). Jensen and Cirigliano came in the next day, and I said I wanted all of the personnel files back here. February 16 or 17; when we put the Chief on administrative leave. I assumed that Jim had been bringing the files back, but I learned that the files were not here. I went to find the reprimands and went to Jim and told him that the files were supposed to be here—I need them right now. He replied that he could not do that. After some debating, he said he can't do it without making some phone calls. He called every battalion chief to tell them that I was trying to get access to the files; called Piwtorak in on his day off. Piwtorak—"We need to work some stuff out." Eichhorn called and was very upset; ready to have Sheriff escort—they finally let me have access to files. What they were worried about was that the

reprimands were not in the files from the Powell incident, and the things in the Chief's office that had never been put in the files.

2. Should all formal disciplinary action be posted in the employee's personnel file?
 - a. Yes—but they had not been. I still have what was not posted—some back to 2009-10.
3. Where are firefighters' personnel files kept—with you or with the Fire Department?
 - a. See above.
- iv. How is this procedure and these expectations communicated to the Fire Chief and other department heads?
 1. It's on the bottom of the sheet that the Chief has all employees sign.
- v. Has Chief Jensen followed this procedure when it comes to disciplinary action against firefighters under his command?
 1. No, see above.
 2. Tell me any problems or concerns you have had regarding the Fire Chief's documentation of disciplinary action, and give me the specifics of each such incident that you recall. (Reprimands—incident not reported, written but never put in file.)
 - a. See above.
 - b. Powell incident—below.
 3. How did you find these reprimands that were drafted but never put into the employees' personnel files?
 - a. I kind of knew from the Chief because he acted very strange when I asked for the reprimands. Matt ordered him to prepare a report, and in that report he said that he was reprimanding the crew that was on that day.
 - b. I asked Matt if I could pursue getting copies of the reprimands—it took three days with multiple e-mail requests before he got them to me. "What are you going to do with these? These can't be in the report." "I'm going to put them

in the file.” “I need them for the personnel file”—he acted very strangely. I was surprised that guys had signed them.

4. Did you at any point learn anything else that Chief Jensen may have said to the employees who were reprimanded following the December incident involving the transport of the mentally-ill woman from the City of Powell?
 - a. I had heard that he was confronted by several firefighters threatening to file a grievance, and in order to discourage them from doing so, he assured them that “As soon as that issue quiets down, those reprimands would disappear.”
 - b. Who told you that he had said this?
 - i. I first heard that from Shyra Eichhorn, who heard it from Worley or Lovell.
6. Did Chief Jensen ever receive direction from one of the Trustees about developing a winter safety program in the last couple of years?
 - a. Yes, that came from Shyra Eichhorn in September 2014. She wanted a PR campaign on ice safety, with signs put around the ponds and a piece of literature to go out to homeowners’ associations.
 - b. Tell me about what happened with regard to this ice safety program, including any role you may have had.
 - i. That was another thing that the Chief had no time to do because he “had no help,” even though Jim was over there. I said I would help—he started sending me stuff back in September. He copied a bunch of stuff from a Canadian website. I spent hours reconstructing this stuff, got it to him to OK it. In the beginning of January, he was just at a point where he said, “Yeah, we need to move forward on it.” I finally said, “I’ve done as much as I can do”; I was tired of putting all that time in and nothing happening. I could almost guarantee it’s not finished.
 - c. Was this program ever implemented?
 - i. No finished product on this—a common pattern with him. Same thing with transitional work program.
 - ii. In your view, did Chief Jensen carry out Trustee Eichhorn’s directive?
 1. No.

- iii. To your knowledge, did Chief Jensen ever inform Trustee Eichhorn or Mr. Huffman or you of any need to an extension or any obstacles that might delay or prevent the adoption of such a PR program as she had directed?
 - 1. No. We had no major snows, so plenty of time to get it done.

- 7. Let's talk about the wellness program and annual physicals for firefighters. Let's start with—what was the program and how was it adopted?
 - a. I don't know that there is a program. 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. There was no real start date—just getting grant money to get program up and running, and I was in the middle of that, when Dave and Jensen launched the program with physicals at the cost of \$25,000. Two years prior to that it was \$40,000 or so to do physicals.
 - ii. And what was supposed to happen at that point? Walk me through the steps and procedure.
 - 1. In the 2014 process, the plan was that the company would come in. Employees will get one of three letters—fit for duty, a 90-day notice (with need to improve and recheck), or a notice not fit for duty with no job repercussions but a chance to correct issue. It was going to followed up in one year, but I was not involved with that process because the FD made it their thing.
 - 2. 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. We were in a meeting after I retook over HR in February 2016, and Matt just asked him point-blank. Four people received notices following the 2014 that they needed to get 90-day follow up with an action plan. Matt asked him who they were and what did you do. He said that one was a FF who had TB as a child (not big deal), another had a chronic condition (no big deal). The last two were Bennie Minturn and Sally McCann, and they're both gone now. But they both quit in 2013—weren't even here. Matt later asked him about that when we were discussing

these issues—“You threw me off guard by asking so quickly.”
Make Chief name the four. We still don’t know who the four are.

- c. Did Chief Jensen make any announcements about this program in late 2014?
 - i. 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. See above.
 - iii. Do you know how much those fitness assessments cost that year?
 - 1. 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. Chief Jensen in conjunction with health and wellness committee.
 - 3. How would Chief Jensen know that that was his responsibility?
 - a. He designed the program.
 - v. So, what happened—what was done with the results of the 2014-15 annual physicals results?
 - 1. See above.
 - 2. Did any employees receive notices of their status and what they had to do?
 - a. See above.
 - b. Did those notices appear to be in order and accurate?
 - i. See above.
 - 3. Was there supposed to be follow-up with those employees at some point?

- a. Yes, see above.
- b. Did that happen?
 - i. None that I know of.
 - ii. Did Chief Jensen offer any explanation about why the results of these examinations were not followed up on?
 - 1. I think he said, “That fell through the cracks” and he blamed staffing.
- d. What if anything has happened or has the Chief proposed to happen with the 2015-16 annual physical examinations and assessments?
 - i. Chief started saying that we need to get moving with resolutions for the examinations—I started hearing the chatter. He wanted to use the new Mount Carmel health facility because it’s close and permanent—in 2014, they used mobile unit. Matt started questioning what happened to the last one.
 - ii. What costs would be involved with this?
 - 1. I don’t think it was fleshed out.
 - iii. How have you or Mr. Huffman or the Trustees reacted to that proposal from the Fire Chief?
 - 1. Asked questions about the last one. This came up in executive session with the Trustees, who all had concerns about this.
 - 2. The new program has never moved forward.
- 8. 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 have covered it.
 - b. Transitional work—he is a big advocate, we need to update the plan. He was pushing this as we got into negotiations. I started working on the plan, and I sent e-mails to Matt and him and the Trustees saying that we can’t have transitional work if we’re going to let people sit at home with full pay for six months. I kept pounding that into the Chief, who blew it off. He just kept bringing up that we need a program. I was asked to create a list of issues to address in negotiations, and I

had on the list that we need to tighten up sick leave/injury leave, but it was never addressed. In the meeting with Jim, Tim, and Matt—Tim Jensen again brought up transitional work, and I told him that you missed your time when you did not address the long special injury leave issue in negotiations.

9. Is there anyone other than the people we discussed the other day whom you think it is particularly important to talk to get a fuller picture of these issues?
 - a. Covered that in pre-interview discussions.
10. What would those people likely tell me?
 - a. N/A.
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. The key issue is—who is running the Fire Department? Because it doesn't seem to be Jensen.
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 CIRIGLIANO
Zoning Services Supervisor
Liberty Township Fire Department

Tuesday, April 5, 2016 at 2:30 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. The only exception to your obligation to answer every question fully and truthfully involves a scenario that I emphatically do *not* expect to be an issue here, but I always need to cover this possibility with anyone whom I interview. 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 if you believe that the answer to one of my questions might incriminate you under criminal law, you need to assert your right not to answer on that basis, and we will decide where to go from there. I always have to cover this possibility in an investigation as a matter of routine, so that is not intended to alarm you.
- h. Do you understand these ground rules that I have reviewed here? Yes.
- i. I am not recording this interview; are you recording it? No.
- j. 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.
- k. Do you have any questions before we proceed?
 - i. No.
- 2. What is your full legal name?
 - a. James J. Cirigiliano.
- 3. Tell me about the position that you hold with Liberty Township.

- a. Zoning Services Supervisor, for three days.
 - b. How long have you worked for the Liberty Township?
 - i. Six years.
 - c. I know that the positions you have held with Liberty Township have evolved over time—can you walk me through the positions you have held and how you came to hold your current role?
 - i. Started as part-time assistant fiscal officer. In January 2015, expanded to full-time employee doing that and administrative/management assistant to the Fire Chief, 80% fiscal/20% fire. No schedule, varied by the week—I would walk back and forth, and I had no office over there. In January 2016, former boss was defeated, it was very clear that the new Fiscal Officer would bring in her own staff, and Mark Gerber and Jensen decided I would go to Fire Department full-time and expand that administrative role, including Assistant Chief duties on an administrative scale. That was supposed to transition on April 1, and the Chief was put on administrative leave and Shyra and Cathy convinced me to take the open zoning position. Fire Department job approved by resolution without me in it.
 - d. What significant prior work experience did you have before coming to work for the Township?
 - i. Before here, I was business manager for North Broadway United Methodist Church, and then other business roles.
 - e. Who is your direct supervisor; to whom do you report?
 - i. Tracy Mullenhour, Zoning Inspector.
4. How did you come to work with Fire Chief Tim Jensen?
- a. It was a mutual discussion with Mark Gerber and Chief Jensen, approved by the Trustees.
 - b. In your role as administrative work to him in the Fire Department, how closely did you work with him?
 - i. No, he would give me instruction or ask for assistance, and I would just go away and do it.
 - c. What kind of job tasks did you perform for him—give me the range of what you did to assist him?

- i. We started with a system to track projects—project management, which was a skill set of mine. I developed a spread sheet with projects, who owned the project, and we identified the milestones and target dates. He asked me to do that.
 - ii. We developed a strategic plan, and I was involved with facilitating that process—mission statement, vision statement, and goals and objectives. I facilitated it but did not lead it.
 - d. How was it that your work there came to an end?
 - i. See above.
- 5. Let's talk about your experience working with Chief Jensen.
 - a. How has your work relationship been with him overall, both in the time you worked for him directly and in your experience as Assistant Fiscal Officer?
 - i. Good.
 - ii. Would you say that your work relationship with Chief Jensen was different in quality when you worked directly for him vs. when you were Assistant Fiscal Officer?
 - 1. I don't think so.
 - b. I realize that it is always awkward to ask someone to assess another person's performance, particularly someone who was a direct supervisor at one point, 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. That's a difficult question, because I think that the answer is yes, but it could have been better. He did not have the appropriate staffing to be more effective. A true administrative assistant/clerical support would help him be more effective. He needed help focusing, such as an assistant chief role. I truly believe that if he had the support staff he could have been more effective, and that's what I was going to do for him, and I never had the chance to.
 - c. How do you think his credibility is with the firefighters and officers whom he leads?
 - i. You'd have to ask them.
 - d. How about his credibility and work relationship with the Board of Trustees and Township Administrators whom he has served?

- i. Same answer—this was a part-time job until recently.
- e. What are the strongest or most positive aspects of Chief Jensen’s performance?
 - i. He was dedicated to this department, and that dedication bled over to being an advocate for Liberty Township, even though he doesn’t live here—as if it were his family.
 - ii. He is a very good man.
- f. What if any are the main deficiencies or shortfalls in his performance as Fire Chief?
 - i. Trying to do too much and couldn’t get anything done, because he was pulled in 16,000 directions, and he got no direction—both external pulls and an inability to focus.
- 6. How effective was Chief Jensen in managing paperwork and documentation in the Fire Department?
 - a. I honestly don’t know how to answer that.
 - b. Was the fact that he had problems in this area part of why you were hired part-time to help in that role?
 - i. It could be—only thing I saw that was out of the ordinary, if he had stuff that needed to be filed, he put it in a drawer. He asked me to file it for him, and I didn’t get to it.
 - ii. What was the state of record-keeping, including personnel records, when you came in to assist him?
 - 1. See above.
 - 2. Is it true that there was a pile of personnel actions including reprimands dating back to 2009 that had never been placed in employee personnel files?
 - a. I knew that there was personnel stuff in it, but didn’t know date.
 - b. He is avoiding assessing responsibility to Jensen on this.
 - c. What steps did you take to secure and bring up to date the Department’s administrative and personnel records?

- i. I didn't have the chance to do any of that.
- ii. Would you describe the Chief as cooperative in that process?
 - 1. Chief showed him drawer with stuff in there that needed to be file; he told me that months ago. I was trying to do everything else, and no one asked for public records, so it got put on the back burner.
 - 2. What role if any did you have in working with the Chief to get Cathy Buehrer paperwork that she needed to process workers' compensation claims for Fire Department employees?
 - a. The intent was that the new position would become the liaison person to make sure that the paperwork Cathy needed, Cathy got. Prior to that, I offered to help Cathy in any way I could, and basically nothing happened other than identifying the need.
 - b. Were you aware that this was an issue in many cases where delays in paperwork led to claims not being certified by the Township?
 - i. I knew that there was a need, but did not know of impact on certification.
 - ii. What if anything did Chief Jensen tell you about working with Cathy Buehrer on workers' comp paperwork or other HR issues?
 - 1. Only that he had been complaining to the Township Trustees about not having an HR person, then when we got one, we didn't have any direction on how to use her abilities. And we screwed up—the Chief and Mark and I did so. That happened when we created the job description for the new job for me to move to the Fire Department. She was away on vacation and we did a job description that she was not involved with. I tried to give it to her, and she refused to take it because she was pissed off. I asked her to look at it and possible revise it—"No, I don't want anything to do with it."

3. Did you ever have conversations with Cathy Buehrer about issues relating to the timeliness of the Chief's work in completing necessary paperwork and following HR processes?
 - a. Probably yes.
 - b. [If yes.] Tell me about those conversations.
 - i. I can't particularly recall.
 - c. She says you did, many times. Is she not being truthful?
 - i. Her account is correct. That's how I knew it was an issue. When we were developing this job, I said that I need to be this liaison because Cathy and I work together well.
 - ii. I said that we need to involve Cathy but we were coming up against the deadline of a Trustee meeting. Cathy wasn't here, so I said, "Let's take a stab at it," and I took two PDs and welded it into one. That set off a firestorm with the Trustees, and Cathy got sucked into it.

7. Did you know anything about how the process of developing or revising position descriptions changed after Cathy Buehrer assumed the HR role?
 - a. No.
 - b. Did you ever discuss this process with Chief Jensen.
 - i. See above.
 - ii. Tell me about those discussions.
 1. See above. Rushed job because I was offered the zoning position, and Gerber said, "You want to go to the Fire Department and help the Chief." Gerber wanted it on the Trustee agenda to move.
 - c. Do you know if Chief Jensen ever developed a position description and submit it directly to the Trustees for approval without routing it through Ms. Buehrer as was supposed to happen?
 - i. See above.
 - ii. [If yes.] Why did that happen?

1. See above.
2. Was this for your own position over at the Fire Department?
 - a. Yes.
 - b. Do you know if Chief Jensen knew that he was supposed to involve Ms. Buehrer in that process?
 - i. I don't think any of us were thinking that way, because we had gone for all these years with no HR support. We always did it ourselves. We got no direction from the Trustees on how to incorporate HR into our system.
 - ii. Did he ever discuss with you avoiding involving her in that process or end-running her?
 1. Never discussed. I didn't think we did anything wrong until she lost her temper, and I thought, "Oh shit."
- d. What kinds of disciplinary records did you find unfiled when you began to assist Chief Jensen?
 - i. See above.
 - ii. How far back did they go?
 1. See above.
 - iii. Do you know if any of them were left unfiled for any reason other than a failure to organize paperwork?
 1. I can't imagine that there was any other reason.
 2. Did Chief Jensen ever discuss with you what to do with reprimands of firefighters involved with a failure to transport a mentally-ill woman involved with the City of Powell Police in December 2015?
 - a. No.
 - b. What do you know about that?

- i. I knew about the incident—just that it happened, and Powell Police Chief was upset about it. It was discussed in one of the Battalion Chief meetings. I was there taking notes.
 - ii. There was a discussion on how to handle that situation on transports in the future—they needed a stronger policy.
- 8. Did Chief Jensen ever discuss with you how he would response to requests for information or directives from any of the Trustees?
 - a. No.
 - b. What do you recall of those discussions?
 - 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. 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. No, we have covered it. But he feels that this is a needless humiliation of the Chief and he doesn’t understand why it is happening. He could have helped the Chief be successful and now he is prevented from doing that.
- 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, and that also includes any of the Trustees or the new or former Fiscal Officer.

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

INTERVIEW WITH CHALACO CLARK
Firefighter/Paramedic
Liberty Township Fire Department

Thursday, March 24, 2016 at 3:00 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. You have chosen to have a union representative today (Lt. Chad Marohl). 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. He and I have discussed this, and he understands these ground rules—I want to make sure you do as well. 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. Chalaco J. Clark.
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. 12 years.
 - 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. I was hired in.
 - d. Tell me about your basic responsibilities on a day-to-day basis at work—is there a special area of?
 - i. General work—rescue technician. Assistant instructor, hazmat technician.
 - e. What significant prior work experience did you have before coming to work for the Township?
 - i. Part-timer in fire service.
 - f. Who is your direct supervisor; to whom do you report?
 - i. Right now, Lt. Marohl, then Chief Piwtorak.
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. Local President for seven years.
5. How closely do you work with Fire Chief Tim Jensen?
- a. At the beginning of my tenure as president, I tried to work closely with him and share ideas with him from a union perspective. As the years progressed, the meetings/contact diminished because the relationship was better, but the last three years, I had the vice president work with him.
 - b. How has your work relationship been with him overall?
 - i. I try not to have one, because we don't see eye-to-eye. He knows what I'm for, and we've talked about our differences of opinion or directions. Biggest thing would be representation of the fire department in general—lots of turmoil in the past five years, and he has not represented us well. I speak up, he does not. I have had to go head to head with our Trustees, but he won't do that. I have to step up because he won't.
 - ii. During negotiations, we used IBB and it went very well. We were pushing for minimum manning, mirroring what the Chief wants to do. We as a union want to protect as many guys as we can, but Chief was against it in the negotiations. Chief undercut us—"so be it" if the force is cut.
 - 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. Absolutely not. I have had this conversation with the Chief—"I cannot afford you to fail. You need to be what you need to be for this department." But he is a very passive person. He takes the easiest path, and gives excuses—first, the Chief was in his way, or Anderson, or the levy, or the Trustees. Always excuses for why things are not done in a timely way.
 - d. How do you think his credibility is with the firefighters and officers whom he leads?
 - i. Recently—people will support him for some odd reason, when they haven't in the past. Even though I have heard negative comments in the past.
 - ii. Real credibility—absolutely not.
 - e. How about his credibility with the Board of Trustees and Mr. Huffman, as far as you can tell?

- i. I have had a pretty good relationship with the Trustees—majority do not have a really good feeling of how he represents us. They have told me that he did not bring much to the table when needed. With Huffman, he has not been here that long and has been fairly passive, so I don't know.
 - f. What are the strongest or most positive aspects of Chief Jensen's performance?
 - i. Long pause. He is a nice guy but may not deliver.
 - ii. Can't think of anything else.
 - iii. Physically up to it.
 - g. What if any are the main deficiencies or shortfalls in his performance as Fire Chief?
 - i. Biggest problem we have in the Fire Department is consistency. But with Jensen, you can't pin him down on anything or get a definitive answer out of him. This is true with discipline as well—no consistency. We don't have that.
 - ii. Absolutely zero follow-through. We had a meeting several years ago, after the levy failure—we had two incidents where narcotics were stolen. As far as I understand now, those investigations have not been completed. Pharmacy Board came in to look at it—they recommended cameras, changed locks. Delaware County Sheriff's Office did criminal investigation. It took months of me badgering the Chief to get locks changed. Chief told us that he believes that it's an inside job—but not enough evidence to prosecute. Nothing happened—still. This would be very damaging if it gets out to the public.
6. 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 noted that even though you are the union president, you did not sign the letter to the Board of Trustees supporting Chief Jensen when he was placed on administrative leave. Would you care to share why that is so?
- a. I have been president for seven years, and I have heard—try to get momentum going forward. Two years after levy, the union membership voted no-confidence (October 2014)—he had not tried to do anything to resist outside forces or represent the Fire Department. Someone tried to punish the community for the vote—he tried to lay off 26 guys after the levy.
 - b. It wasn't that long ago that the union voted no-confidence in the Chief's leadership, 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 that?

- i. I wish I could. The perspective in general of distrust within the department and of management above. We trust the Trustees less than than guy at the top of the chain.
 - ii. “He just leaves us alone.” “He leaves me to do what the fuck I want.” And that was bullshit. “The devil we have is better than the devil we don’t.” Fear of change.
- 7. 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.
 - a. First attempt.
 - i. What happened?
 - 1. Failed.
 - ii. Aftermath.
 - 1. Layoffs?
 - a. There were layoffs—four.
 - b. Second attempt.
 - i. What happened?
 - 1. Passes—It was a community effort, community driven, and smaller levy. Plus Melanie supported it this time. (First November, passage in February)
 - 2. Climate—relationship of firefighters with Chief, Trustees, and rest of the Township.
 - a. State of shock, licking our wounds, didn’t know where to go.
 - ii. What is the impact of that in the fire department at this point?
 - 1. See above—but it’s three years.
 - 2. Do you see other firefighters being bitter about how that turned out, or do you think most everyone has moved on?
 - a. It’s a mix.

3. Have you seen Chief Jensen trying to get the Fire Department as a whole to move forward or look at the future?
 - a. No, and no excuse for that. We've been begging for meetings with him to talk this through as a group. Shyra forced upon him to do that, it took months, then there was a follow-up—but no questions allowed.
 - b. If yes, has he been effective at that?
 - i. N/A.
8. 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. I have a good relationship with the Trustees and know what they want—but he does not do what they want him to do, and then he says “they are in my way.” And that’s just not true.
 - 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 have yet to sit in the Trustees’ meetings where he has been told “no,” and they are very supportive of us as long as we stay inside our budget.
 - ii. Why or why not?
 1. He doesn’t show foresight to advocate for us.
9. 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. Yes.
 - b. What can you tell me about those discussions?
 - i. Incident where we did not transport a mental-health issue patient. Understood that there should be some severe disciplinary action to the persons involved. They were interviewed, then it kind of died, and the Chief didn’t do anything for a couple of months. They did not feel that they were being disciplined properly. One was Michael Murphy—on probation as a

new employee (rehired after layoff). I sat down and talked with him about what happened—I wanted an investigation to find out what happened. And I am not totally supportive of policy—neither is Jensen. We found out that we did not know that the person was given a pink slip to give a 72-hour-old—the policy is clear on that case. We did not believe that they knew this person needed to be transported; she was belligerent and wanted to go with police. Cops did transport her in the back of the car. Police officers were written up for incident—failure to transport in medic, having her in back not cuffed. Our guys written up two months later. I felt as union president that we needed to grieve the reprimands. We left the meeting, Chief Jensen was sitting in the room with Neal Brock, Scott Simmons, and me. We said, “Chief, we want to know what’s going on here. Why are they getting written up?” He had already reduced to a verbal, and I said, “We’re going to file a grievance; they didn’t do anything wrong. If anything there needs to be training on better communications with PD.” His exact words: “Guys, give me two weeks, a lot of things are going to be happening, I’ll take care of it.” Scott believed that there was political pressure so that these guys get punished. Chief said, “Yes, there were outside pressures.” At lunch later, I told Scott, “We have only seven days to grieve, and if you wait beyond that, you can’t file. Wouldn’t it be better to tell him, ‘Go ahead and file.’”

ii. Were you aware that these reprimands were drafted but had not been put into the employees’ personnel files?

1. I think they’re still there, filed.

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. See above.

b. Did you hear him say this?

i. Yes, see above.

c. Who told you that he had said this?

i. N/A.

10. 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. We have been working on it for years, we got some grants to start the process in 2012. We wanted a process to improve fitness. Mickey Smith has done an

exceptional job of getting grants, establish peer trainers, but then we lost people in layoffs and attrition.

- b. When was it first supposed to start?
 - i. 2011. It has been in the contract the whole time—and Chief kept promising that it would happen. We have all wanted to do it. We're supposed to have had a physical done, but it's been delayed.
 - c. Did Chief Jensen make any announcements about this program in late 2014?
 - i. N/A.
 - ii. What happened after that? (Company came in).
 - 1. N/A.
 - iii. So, what happened—was there any follow-up to your knowledge with the results of the 2014-15 annual physicals results?
 - 1. Not that I know of.
11. Do you know anything about a member of the public whose life our EMS crews saved trying to contact Chief Jensen about Walmart making a donation to the department?
- a. Yes.
 - b. What can you tell me about that?
 - i. Last year in the summer, Mickey Smith called me (union secretary)—he likes to follow up with people whose lives he has saved. He was contacted by a man who had a cardiac arrest at the UPS Store. The man works at Walmart, who has a matching grant—he would like to do a fundraiser to encourage people to get CPR trained. Mickey told him to call Chief and gave him the Chief's number—Chief never returned calls, and the man called Mickey again.
12. 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, other than what we have discussed.
 - b. Outside agencies look at him as a passive person. People see that. "That's just him."

13. Is there anyone other than the people we have already discussed whom you think it is particularly important to talk to get a fuller picture of these issues?
 - a. No, other than key people in the advisory committee.
14. What would those people likely tell me?
 - a. N/A.
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. During this process when I was directed to have a conversation with Chief Jensen about his ability to lead this Fire Department in September/October 2013, the vote was based on comments from union members. Chalaco shared Chief's letter to him as well as notes of Union comments. Vote was to ask him to sit down with union leadership. Union supported Tom and Shyra in the election. I believe that they had an understanding of the Chief's shortcomings. Trustees seemed to want to see him get his 25 years in. I also wanted to meet with the outgoing Trustees; they did not want. I did get to have a meeting with David Anderson in January 2014—we discussed the complaints. Anderson did not respond and was very condescending. We made a proposal for him to self-demote and be replaced to Piwtorak. He then wrote that letter.
 - b. There were two motions—vote of no-confidence and a second one to recommend a self-demote. If the second one worked, no need to take the official resolution of no-confidence to a public session of the Trustees (didn't happen, but they learned about it).
 - c. Labor relations document that Chief brought to meeting—and stuff has still not happened (2014).
 - d. Chief does not know what his budget is—Lt. Hanf has done it (union secretary). Talk to him—or ask Chief about his role.
16. 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 HON. SHYRA EICHHORN
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 Eichhorn, 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 pressured 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. Shyra A. Eichhorn.
- 3. How long have you served as Township Trustee?
 - a. Since January 1, 2014.
 - b. Have you held any other elective office?
 - i. No.
 - c. Do you have other employment currently?
 - i. Yes, I own Eichhorn Events, L.L.C.—event planning for companies.
 - d. What significant prior work experience did you have before your election as Township Trustee?
 - i. Accel, Inc. and Honda Marysville—worked in marketing and internal communications.
- 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.
 - i. What happened?
 - 1. I was not in office at that time.
 - ii. Aftermath.
 - 1. Layoffs?
 - a. Not in office.

2. Climate—relationship of firefighters with Chief, Trustees, and rest of the Township.
 - a. N/A.
 - b. Second attempt—was this one successful?
 - i. Not in office.
 - ii. What has been the ongoing impact in how the Fire Department functions, in your view?
 1. During my campaigning, knocking on doors and spending time at the fire stations—they still did not feel that the community was behind them at that moment, and they were bitter because guys were laid off. Not in great place. I think it has gotten better, but not where it should be. It's been several years and it's still discussed.
 2. Jensen's role should be to rally the troops and move on—but he is not doing that. Very clear, strong no. He doesn't help them move on, and he always seems to tie problems back to the levies. It's rare that there are conversations that that is not thrown out. There is not clear direction on how to move forward, so they are stuck in the past.
5. How closely do you interact with Fire Chief Tim Jensen?
- a. Monthly basis, not all the time or weekly. Maybe contact once every other week.
 - b. How has your work relationship been with him overall?
 - i. Misunderstood. I feel that I have tried very hard to set him up for success, and very much open to hearing his concerns to provide solutions. I feel that he has always felt that he has to fight an uphill battle because people are working against him.
 - c. Is he effective in his role as a leader in the department, in your view?
 - i. No. I don't think that he has the respect of his men, he does not follow through, and he does not set a strong example.
 - ii. Note: She will be a direct, strong, and effective witness.
 - d. How do you think his credibility is with the firefighters and officers whom he leads?
 - i. He's a nice guy, but he does not have much credibility. If they want to get things done, they won't get them done through him.

- e. How about his credibility with the Board of Trustees?
 - i. I think it depends. An unexplainable shift lately—but not one will look at you and say, “The chief is a strong chief.” One of the Trustees had pointed out the Chief’s flaws but recently has been a supporter.
 - ii. Why is that?
 - 1. It got to a point when I no longer had one-on-ones with him; I now have Battalion Chiefs in the meeting, because if they are there, I know it will get done.
- f. What are the strongest or most positive aspects of Chief Jensen’s performance?
 - i. He’s a good guy.
 - ii. He’s even-keel; doesn’t stir a bunch of chaos up.
 - iii. He is an expert in fire prevention.
- g. What if any are the main deficiencies or shortfalls in his performance as Fire Chief?
 - i. Does not gain respect.
 - ii. Does not follow through or meet timelines.
 - iii. He does not take responsibility; it’s always someone else’s fault; he is like Eeyore from Pooh.
 - iv. He has encouraged a culture of mediocrity—even though he has talented staff. He is not encouraging excellence.
- 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, it was my idea that I brought to him to implement.
 - ii. Tell me more about what happened.

1. I am big on communications—always thinking about that next levy. The FFs felt that the community was not behind them; I see it as a local, vocal minority. I thought if we could get a citizens’ committee advising the Chief—from solid opponents to solid supporters to people in the middle. Chief could present things to them monthly or every other month to educate them on issues.
 2. When I pitched it to him, he was not thrilled. Wanted time to digest it. When I got back to him, several times, to say this would help him—he said he was on board. Time went by—nothing happened. I said, “You need to put an ad in the paper to get people”—have it done by Friday at 5:00 p.m.” I even said, “Do you hear me?”—no gray. Following Tuesday, “where is it?”, and the excuses started. He got it done about three or four days later.
 3. We got a very broad committee—good representation. Eight or so people. I had one person (pro-fire) Terri (ask Cathy) who e-mailed to ask if they were kicked off; another person (Julie—pro fire but doesn’t like Chief) reached out and said he is not communicating, Karl and Julie met with Matt about it. I told the Chief to be sure to respond; he did not respond to them. This was very recent. Example of lack of follow-through.
- iii. And how would Chief Jensen know what the Trustees expected him to do in this area?
1. She told him directly.
- iv. Was that project seen through to completion?
1. No, see above.
 2. What was the impact of that failure to follow through on the Township and the Fire Department?
 - a. What is scary is we don’t know what else he is not following through on. Plus, these people are alienated; makes our leadership look incompetent, and certainly don’t have faith in our leader.
 - b. Have you had any similar issues with any other department heads or managers when it comes to following through on your or the Trustees’ direction on a project?
 - i. No, not to this level.

- 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. The theme is “nice guy, but over his head” – or “nice guy, wrong job.” If you had to pick one guy over there to send into battle on behalf of the Township, it would not be the Chief. The Battalion Chiefs are strong.
 - ii. Tell me more about that.
 - 1. I have heard that from other elected officials in other, surrounding communities, and his own men, and residents who have interacted with him.
 - iii. Have any of the Trustees voiced concerns about that?
 - 1. Yes, both. In fact, one even said that during the Delaware County EMS money, Trustee Mitchell said that Chief Jensen was irrelevant in those discussions. Said that as well in the union contract negotiations.
 - 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. Yes.
 - ii. Tell me about any such incidents that you are aware of?
 - 1. We have covered that above. There is no clear direction and no consequences to actions.
7. Does Liberty Township do any top-level planning with the Trustees and all of the department heads?
- a. Yes, I am very proud of what we have done here. The old administrator started the process but didn’t really complete. We started again under Matt Huffman in January when I took over as chairman. We had a couple of hour meeting—let’s focus on 5-8 items max. We scheduled second meeting, and I wanted all department heads in the meeting to get their input—are they on board and what are we missing. We are up to the third meeting—not happened yet.
 - b. What role has Chief Jensen played in that process?
 - i. In addition to the big, macro plan, I had been working with him to come up with plan for his department. I kept asking him to do it. I went in to a meeting with him and BCs—I want a plan. He started making excuses; BCs

came in and said they would do it. Jensen and Reardon—“You do yours first,” and I had to play the boss card. So things finally started moving. Jim Cirigliano was playing mediator and getting this going. So, at least there was movement.

When he came into our big meeting—he contributed. Another Trustee may disagree.

- ii. Was there anything about how he followed up with that process that gave you concern?
 - 1. I don’t know right now when I am going to see that final plan, but he is now on leave.
 - 2. Battalion Chiefs drug him along, rather than him leading.
- 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. Yes—deep breath. Very sore subject.
 - ii. [Active shooter plan.] Please tell me more about what happened with regard to that planning process.
 - 1. At the end of one of my meetings with the Chief and Battalion Chiefs, I told them that I was meeting as Chair with City of Powell, school superintendent, school board members, and Matt—anything you want me to say to them? Chief’s response was “no.” Silence for a second—Piwtorak then said, “Wait” – and he informed me that they had never had a seat in discussions on active aggressor plans. We are using building materials to make sure we can fight fires more effectively. Chief then chimed in, “Oh, yes, yes”—but if Piwtorak had not said anything, I would not know. Superintendent was surprised that FD was not at the table. I got them a seat at the table. But I’m upset because this deals with safety of residents and their children. This is way more than oversight.
 - 2. The police all knew the plan, but our guys knew nothing about procedure! I lost my shit over that—my final straw. Now, they are working on it. (This is huge.)
- 8. Did Chief Jensen ever receive direction from one of the Trustees about developing a safety program in the last couple of years, to your knowledge?
 - a. Yes.

- b. Tell me about what happened with regard to this ice safety program, if you know.
 - i. Two years ago, had a lot of people falling through the ice—one died. Chief and I had talked about launching a communication plan—stay off the pond. Really wanted to push that, and I think direction was clear. If I had told Battalion Chiefs, it would have been done
 - ii. I did not revisit and push it—so it did not happen.
 - c. Was this program ever implemented?
 - i. No.
 - ii. In your view, did Chief Jensen carry out your directive?
 - 1. No.
 - iii. To your knowledge, did Chief Jensen ever inform Mr. Huffman or you of any need to an extension or any obstacles that might delay or prevent the adoption of such a program as you had directed?
 - 1. No. In January when presenting his 2015 wrap-up, he brought it back up to me—acknowledged that he did not do it.
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. Habitual tardiness—I am not a clock watcher, but in one of my meetings with BCs, they started joking about “Jensen time,” always running late. Whole department uses that phrase—he is never on time for anything. Also outside meetings representing the community. Even late for our meetings.
 - b. It has been alluded to him arriving late but always leaving on time. Not getting his hours in—at least by perception of his men. He thinks that if his car hits the Liberty Township line, he’s on the clock.
 - c. December transport incident with the City of Powell—I was never informed by Fire Chief or Administrator, I learned from the Powell Police Chief. Even though there were meetings! No report, no explanation of whether or not there was discipline. Asked for two reports—two hard deadlines, but he missed. One by six minutes, another by an hour and fifteen minutes.
 - d. Follow through on grants—ask Matt Huffman about this. Supposedly Mickey on fire union board knows about it; he writes most of the grants. A lot of the follow up that is supposed to happen is not; we could get busted for it. One example—granted-funded workout equipment.

- e. A gentleman whose life was saved at post office, works at WalMart. Reached out to Jensen—could get Walmart to donate some money to the Fire Department. Chalaco knows about this story too. Chief Jensen would not return his calls.
 - f. Supposedly in a union meeting that Chief attended, they informed the Chief that they were going to file a grievance regarding the Powell issue. Supposedly, he said, “Please don’t do that—it’s going to go away.” Interpreted that that those items would not show up in their disciplinary files. Sources were Cathy and Chalaco.
 - g. Other thing I’ve been big on was establishing an HR department that was lacking. All we heard was how much the Chief wanted the HR to be done—yet he won’t work with her.
 - h. Lack of respect by his men.
 - i. So literally when the old chief shows up, the guys will say in front of Chief Jensen, “Wish you were coming back, Bernans!” They say this in front of Jensen; it embarrasses him.
 - ii. They talk to him very badly in e-mails—ask Jim Cirigliano. They talk over him. No respect.
 - iii. We have been supportive over the last two years—approved everything they have asked for—and the community is supportive as well. But the atmosphere is still all doom and gloom.
 - iv. With the Comstock report, the Chief said he would give all the men a copy of that report—I said I am not telling you can’t, but why—not complete and not 100% factual. Chief replied, “He changed employers.” Whole room got silent. “How would you know this?” “Because we talk.” “But I hired him!” He would not return our phone calls, but he is returning yours! Chief Reardon jumped in to save him.
10. Is there anyone whom you think it is particularly important to talk to get a fuller picture of these issues?
- a. Medical director—he told me how incompetent Jensen is. I can’t believe he is your fire chief, he does not hold the men to follow policy. He was involved with the Powell issue.
 - b. Scott Simmons complained about Chief until about nine months ago.
 - c. Press Mickey.
11. What would those people likely tell me?

- a. See above.
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. We have covered it.
 - b. I do think I am battling an uphill battle—Scott Simmons said Fiscal Officer said that we did not have a case and it's a witchhunt.
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 DR. MARK GERBER
Former Fiscal Officer
Liberty Township

Interview on Friday, April 21, 2016 at 7:30 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. While you are no longer a Township official, I know that you played an important role in Township government for many years, and we appreciate your cooperation in talking 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 Administrator. This is also not an investigation about who is allied with whom politically or personally, or who likes the Fire Chief or doesn't like the Fire Chief. I'm looking into some particular issues relating to his management and performance, and my inquiry will be based on factual conclusions and none of those factors.
 - c. It is 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.
 - d. I will ask that you to answer every question I put to you fully, completely, and honestly—even if the truthful answer would put you, a Township employee, or even the Fire Chief or Township Administrator in a bad light, even if the answer might cost someone his or her job.
 - e. Do you understand these ground rules that I have reviewed here? Yes.
 - f. I am not recording this interview; are you recording it? Yes, turns off.
 - g. 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.

- h. Do you have any questions before we proceed?
 - i. No.
- 2. What is your full legal name?
 - a. Mark S. Gerber, Ph.D.
- 3. Tell me about the role that you held with Liberty Township.
 - a. Fiscal Officer for eight years.
 - b. Nuclear engineering background, 25 years in utility consulting—but this was my full-time job.
 - c. How long were you Fiscal Officer for Liberty Township?
 - i. 8 years.
 - d. In that role, how closely did you work with Fire Chief Tim Jensen?
 - i. Fairly closely on all financial issues and anytime that money was involved. I mostly met with Tim.
- 4. Let's talk about your experience working with Chief Jensen.
 - a. How was your work relationship with him overall in your service as Fiscal Officer?
 - i. Very good, very strong relationship—especially once that first levy failed when finances sort of hit the fan.
 - b. From what you were able to observe, do you believe that Chief Jensen is effective in his role as a leader in the department, in your view?
 - i. Without a doubt. I can't address day-to-day inside the firehouse stuff, because I wasn't there, but he was on top of stuff, deliberate in his thinking, wanted to understand all sides.
 - ii. Background on where Township was. When I took office, nothing computerized in financials—on ledger sheets. The FD had a lot in reserve and they were burning it up at substantial rate. Fire guys hated me the first two years because I pointed out the spending. When Tim took over, he and I worked together to educate each other on expenses, costs, capital needs. We started five-year forecasts for the first time. We also worked indirectly with union people to get them to understand impact of what they were

interested in. We made a lot of changes, including benefits. Tim was a major factor in getting them on board on financial side.

- c. What are his greatest strengths or positives in his work as Fire Chief, in your view?
 - i. I think he is a very deliberate person, and he makes decisions based on getting information. He does not shoot from the hip. He doesn't just agree with the last person who talked with him.
 - ii. He was the first full-time fire employee after Bernans, and that shows his loyalty. He has worked his way up the ranks—he was the obvious choice when Bernans retired.
 - d. What are his areas of weakness or where he most needs to improve, in your view?
 - i. That's a tough one because of our relationship in finance, because there were no lows.
 - ii. I'd have to make one up. He dealt with really serious problems—and he was there.
5. A common theme among many of the people whom I have interviewed—and not people who are necessarily opposed to Chief Jensen's leadership—is that he is a great guy and means well but is often weak in his follow-up on ideas or commitments or needed action. What are your thoughts on that issue?
- a. I have heard that, though I don't have experience that that is the case. It goes back to his being thoughtful, but he needs to find what he needs to find to get what he needs.
 - b. The battalion chiefs sometimes move him forward (he's Trude; they are me—I gave Dr. Gerber that analogy). He has lost his Assistant Chief and administrative assistant (until Cirigliano helped him). Cirigliano was going over there full time in April and that would have been a huge help.
6. As Fiscal Officer, did you play a role in developing the Township's annual budget?
- a. Yes. Once it was computerized, I did a lot of rearranging of funds. I created capital budget funds for the three major departments (Parks, Roads, Fire). I tried to levelize that out and establish funds. For capital needs, I relied on Tim and relied on captains to give me five to ten year projections. The other part of the budgeting thing was that you would run 85-90% of your costs in labor. Once you plug that in, you're pretty much done. No real need for budgeting process after that.
 - b. What role did Chief Jensen play in working with you or other Township officials in developing the Fire Department's portion of the budget?

- i. Tim and I would sit down after that and figure out how much overtime we needed, possible hire of part-time people, can we get an EMS truck? Capital budget wiped out in 2013 after the levy failed. We have rebuilt that with cash flow into capital budget. Plus levy growing because of growth in Township. Now planning to replace fire truck. We will eventually need another station in the north end of the Township.
 - ii. Do you think that he had an appropriate mastery of the details or workings of his department's budget?
 1. Yes, absolutely.
 2. [If yes] Why then did Lt. Hanf have to play such a major role in crunching the numbers and preparing the Excel spreadsheet for the Fire Department's budget proposals?
 - a. That goes back to a negotiation with Hanf, Clark, and I did right before S.B. 5 was on the ballot. Hanf was the finance guy for the Union; we went back and forth with the Union to get them to pay pension costs, 20% of health insurance. We basically implemented S.B. 5. Ryan and I were working together and doing the spreadsheet and numbers.
 - b. Hanf was not standing alone; I was overseeing it. In the early years, I was up in arms about the rate of spending on labor costs. Benefits were way over-generous at that time. Working with Hanf solved two things: (1) I was overseeing it, and (2) he was able to educate the union guys on the reality of the finances. He is both smart and honest. If Tim had been trying to play that role, as Chief, it would have been harder for them to hear. And this carried over to the last Union negotiation.
7. To what do you attribute the frustration of some of the Trustees with their inability to get information or follow-through from Chief Jensen?
- a. With Trustee Lenaghan, going back to failed levy—Tim did not agree in the least with her assessment that the department was overstaffed and over-funded. She took up the banner to fight against the passage of a reasonable levy. His disagreement with her has continued. With Shyra, I don't get it. Beyond that, I can't say—I hope you look at specifics. With the Comstock report, they said, "It's riddled with errors," but they can't give specifics. Comstock asked for responses and got none. Comstock says that the department is underfunded, understaffed, and needs assistance, and Lenaghan didn't like it. Union supported with four pages of projects underway.

- b. Why do you think that some have this perception?
 - i. See above.
- c. Have you spoken with any of the Trustees about this investigation after I started it?
 - i. Since then, only Mitchell but not about the investigation.
 - ii. [If yes.] With whom did you speak?
 - 1. See above.
 - 2. Tell me about the substance of those conversations?
 - a. Question re health insurance opt-out for one of the Trustees.
 - b. Did any of the Trustees or did any firefighter or Mr. Cirigliano talk with you about my own interview with them?
 - i. Jim and I had lunch a few weeks ago, he said how it went, but nothing specific.
 - c. Did any of the Trustees talk with you about discussions with other Trustees that took place in executive session?
 - i. No.
- 8. 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, I think we have covered it—I don't know day-to-day operations, but I knew about the finances and the failed levy aftermath. I was also involved in union contract negotiations. We went from 55 to 41 or 42. Once levy failed, some people left. Involuntary layoff—6 or 7.
- 9. 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. Reiterates background to levy failure, EMS carry issue. There was a time card issue that disappeared because there was nothing to it.
 - b. Matt put Tim on leave and then asked for things to investigate.

- c. Anything else would be hearsay—but from a broader perspective, he has been stellar and I couldn't have asked for more. But I can't tell you about day-to-day operations.
- d. Later added: The incident with the position description for Jim Cirigliano was primarily my doing—I didn't know that we were supposed to be running it through HR. We never had it before.

Duckett: But she was there at that point, and felt like an end-run. And there were several errors, including a crucial one where Cirigliano would not have gotten health-insurance benefits.

Gerber: That was not my intent to end-run her.

- 10. 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.

INTERVIEW WITH RYAN HANF
Lieutenant
Liberty Township Fire Department

Tuesday, April 5, 2016 at 10:30 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. 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. Ryan W. Hanf.
- 3. Tell me about the position that you hold with Liberty Township.
 - a. Lieutenant.
 - b. How long have you worked for the Liberty Township Fire Department?
 - i. 12 years in June.
 - c. Were you hired into the position of Lieutenant that you hold, or did you have other positions before with the Liberty Township Fire Department?
 - i. Firefighter/paramedic full time from June 2004; promoted in May 2015.
 - d. Tell me about your basic responsibilities on a day-to-day basis at work—is there a special area of responsibility?
 - i. Manage a company of two to four additional FFs, basic daily operations of my crew at the station I am assigned to. Staffing, training, house chores, emergency response.
 - e. What significant prior work experience did you have before coming to work for the Township?
 - i. Worked at four other fire departments before coming here. Also worked sales in hardware store.
 - f. Who is your direct supervisor; to whom do you report?
 - i. BC Price.
- 4. How closely do you work with Fire Chief Tim Jensen?
 - a. I work more closely to him than most other officers, mainly I would assist him with the department's budgeting. I don't manage it, but I would take the Township's numbers, put them into an easily read spreadsheet, and give it to the Chief, who

would come back with any questions. Other than that, filtered through Battalion Chief.

- b. How has your work relationship been with him overall?
 - i. Good, a good relationship.
- 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. Two periods. More recently working directly under him, I have seen his leadership really begun to come out. We've progressed more in the past six months in accomplishing good things for the department. We're moving ahead with part-time staffing, purchase of a new engine, now privileged to staff meetings of all the officers—at first, direction was unclear, but things have become organized and structured with path of department going into the future.
 - ii. Before that, as a FF observing, it seemed like things were slow to progress, and there was frustration among some of the guys. That was before I could sit in on these meetings.
- d. How do you think his credibility is with the firefighters and officers whom he leads?
 - i. Long pause—I focus my question on the firefighters since he answered on officers. The guys feel that he's getting the job done—though everyone has his opinion.
 - ii. Change from vote of no confidence? Same changes I have noticed as an officer. Has also heard people closing ranks and “devil you know” arguments.
- e. What are the strongest or most positive aspects of Chief Jensen's performance?
 - i. He seems to be very compassionate when it comes to his guys. He is always focused on the interests of the guys as one of his top priorities. He can tell people when they screw up.
 - ii. He is very public oriented—he is all about our service being a shining star in the public's eyes.
- f. What if any are the main deficiencies or shortfalls in his performance as Fire Chief?
 - i. Timeliness—both showing up on time and getting things done on time.

5. Do you hold a leadership position in the IAFF Local?
 - a. Not currently. I was the Treasurer until March 2015.
 - b. And what is that?
 - i. See above.
 - c. How long have you held that position?
 - i. Six years or so.

6. What if anything do you know about the process by which the Fire Department develops its proposed budget for the Township Administrator and Township Trustees to incorporate into the overall Township budget?
 - a. Fiscal Officer Mark Gerber would give a set amount of dollars coming in, Jensen would sit with the battalion chiefs, they establish budget, and Trustees approve it. Money coming in from the levy.
 - b. Have you played any role in assisting Chief Jensen in developing that proposed budget?
 - i. Yes.
 - ii. [If yes.] How did you become involved in that process?
 1. In 2009, when I was just a firefighter, I worked with then-Captain Reardon on keeping track of expenses for the FD—I knew Excel. I was able to create an entire Excel workbook and educated myself on state accounting code system. No one asked me to do that.
 2. What kind of work would you do in budget preparation on the Chief's behalf?
 - a. All I did was take an Excel spreadsheet, created a one-page document with 20 tabs behind it, with one final list of total income and expenses and final balances. I would then present that to the Chief.
 - iii. How would you describe Chief Jensen's independent understanding of the department budget and his level of involvement in its development?
 1. He is in complete control of the development. He did understand what I gave him; I would explain it to him.

2. Could he have answered questions about the numbers in the budget—how they were arrived at, what lies behind them, things like that?
 - a. I don't know.
 - b. I took Mark's numbers and put them in a pivot table, and then take those numbers in a simple sheet of Excel. I would give him to the Chief—here is what Mark says your numbers are, here is the table. Take it and do what you want. He would go through and ask for more and less in different categories.
- 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 from outside sources?
 - i. No. Had no role in that. Mickey Smith handles that.
 - ii. [If yes.] Tell me more about that.
 1. N/A.
 2. Did you bring these concerns to Chief Jensen's attention or that of anyone else in management?
 - a. N/A.
 - b. What happened?
 - i. N/A.
7. What if anything did you know about firefighters performing an inspection on a private business where they may have made a comment about the fact that three of them were there "because the levy went down and their buddies were laid off"?
 - a. I do; those were my guys.
 - b. Did Cathy Buehrer, the HR manager, ask you the names of the firefighters involved in that inspection?
 - i. She did.
 - ii. How did you respond?
 1. I gave her the names of the two gentlemen who were with me.

2. Are you sure? Now, says that when first asked—I gave her the names, but when she asked what was said, “Was there something said,” I said, “I do not know what you’re talking about.” She replied, “There was a comment made,” and I did reply, “I have to protect my guys.
- iii. Ms. Buehrer was placed in that position by the Board of Trustees and charged with HR responsibilities. By what authority or whose authority did you refuse to provide her information about what happened in this incident?
1. I did not know that was her role; it put me on the defensive.
 2. Did Chief Jensen or someone else above you direct you to withhold that information?
 - a. No, because I had not spoken with anyone.
- iv. Did you tell Ms. Buehrer that “you needed to protect your men” or something like that?
1. Yes – see above.
 2. If firefighters are making comments like that when inspecting a business, is that a problem?
 - a. Would be inappropriate—based on what they told me, that statement was not said. I don’t believe it was fabricated. What did they say? They told me they said, “Since the levy failed, we don’t have three people in prevention, so to help them out with the workload, we are helping with inspections.”
 - b. Did you ever discuss this with Chief Jensen or any battalion chief?
 - i. I contacted Battalion Chief Price after I heard from Cathy. The following day, I met with Price and Jensen.
 - ii. Jensen asked for written report of what happened, I had my guys produce report, I took it to the meeting and explained what my guys said. That’s all that he said about that event. Jensen also explained Cathy’s role.

8. 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'm aware of.
9. 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. We've covered the things I assume I was called in for.
10. 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 MATT HUFFMAN
Township Administrator
Liberty Township

Wednesday, March 30, 2016 at 8:10 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 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 will be giving 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, 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 disciplinary or even 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 you as 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 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. 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 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. The only exception to your obligation to answer every question fully and truthfully involves a scenario that I emphatically do *not* expect to be an issue here, but I always need to cover this possibility with anyone whom I interview. 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 if you believe that the answer to one of my questions might incriminate you under criminal law, you need to assert your right not to answer on that basis, and we will decide where to go from there. I always have to cover this possibility in an investigation as a matter of routine, so that is not intended to alarm you.

h. Do you understand these ground rules that I have reviewed here? Yes.

i. I am not recording this interview; are you recording it? No.

j. 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.

k. Do you have any questions before we proceed?

i. No.

2. What is your full legal name?

a. Matthew C. Huffman.

3. Tell me about the position that you hold with Liberty Township.

a. Township Administrator.

b. How long have you worked as Township Administrator for Liberty Township?

- i. Interim since May, officially since October.
- c. Were you hired into the position of Township Administrator that you hold, or did you have other positions before with Liberty Township?
 - i. Assistant Township Administrator and Director of Zoning and Development. That was the position I was hired into with the Township in June 2014. I continued that position while working as Interim Administrator.
- d. Tell me about your administrative structure—what staff and departments heads directly report to you?
 - i. Fire Chief, Road Supervisor, Park Supervisor, Zoning Inspector, HR/Administrative Assistant.
- e. What significant prior work experience did you have before coming to work for the Township?
 - i. Prior to coming here, I was executive director for the Richland County Regional Planning Commission; I was there four years. I was five years with the City of Gahanna, where I ended as Director of Community Development. Private sector experience before I got my Masters in City and Regional Planning and Marketing and Communications.
- 4. Tell me about the Township's workforce. How many employees do you have working where?
 - a. Roughly 61 full-time employees. Two unions—IAFF and United Steelworkers (Parks and Roads).
 - b. In the Fire Department, how many full- and part-time firefighters?
 - i. 41 are in Fire.
 - c. Are the full-time firefighters represented by a labor union?
 - i. Yes, IAFF Local.
 - ii. How has that relationship been over the past year or two?
 - 1. From what I can recall, this is the second investigation of department—first was by Chip Comstock. I have read the report and seen the outcomes, and I was involved with him in an attempt to get a final product, but he was not responsive. Concern about

copying the Chief on e-mails when the report was about the department and the chief.

2. My big involvement was the recent contract negotiations where I sat in with Trustee Mitchell and Fiscal Officer Gerber—IBB process with federal mediator.
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 climate—relationship of firefighters with Chief, Trustees, and rest of the Township.
 - a. Happened before I was here. I had always heard that there was bitterness in the FD because of the failure of the levies. It did not come to a head with me until the visit of the three firefighters to the business owner. I subsequently had a conversation with the Chief about how it has been over two years, and the firefighters were still making those comments. I thought that at this point, there should be more control over the communications of a firefighters to our residents over our levy. Through that conversation, I did not get the feeling that the Chief thought that it was anything of concern. I pressed further, and he responded that his “name was on the door, so I guess would be my responsibility.” He just acquiesced because I was pressing.
 6. How closely do you work with Fire Chief Tim Jensen?
 - a. We have staff meetings two days after each Trustees meetings, which are on the first and third Monday of every month. Day to day not always, some days I don't talk with him. The difficulty of managing here is that all of the departments other than zoning and HR are off-site. Day-to-day very limited.
 - b. How has your work relationship been with him overall?
 - i. It's been fine. I knew that there had been issues within the department about his management style, but I didn't see much of that except one meeting with the captains (then) and lieutenant. They didn't seem to have much respect for him and talked over him.
 - ii. He isn't very punctual; he is usually the last one here for staff meetings, often after the start time. I have written reports on some incidents, both came in late—one by three minutes (Powell/mental health), one over an hour (local business owner inspection).
 - iii. It's not a contentious relationship; we respect each other.
 - c. Is he effective in his role as a leader in the department, in your view?
 - i. From what I have heard and observed, I do not think that he is the best fit for that position.

- ii. I don't think that he really has the respect of the individuals over there. I did not see respect given to him in that meeting I referred to earlier. I am somewhat clouded because of my review of documents from before I was here, there was not much positive.
- d. How do you think his credibility is with the firefighters and officers whom he leads?
 - i. See above, but it also seems to be the belief that the Union and not the Fire Chief runs the Fire Department.
- e. How about his credibility with the Board of Trustees and you as Administrator?
 - i. Board: We wouldn't be in this situation if it were favorable, and I can't speak for the Trustees. I have heard comments of displeasure on response times and lack of response.
 - ii. Up until the point when I sat down and discussed the issues involving the mental health patient and the local business inspection, not bad—but it got me that he was reluctant to accept responsibility—"I guess my name is on the door and I'm responsible." I felt that he was not taking ownership of his role over the department.
- f. What are the strongest or most positive aspects of Chief Jensen's performance?
 - i. Long pause. But part of it might be getting support from key players to support him in his role.
 - ii. He is a likeable guy. He interacts well with the community.
- g. What if any are the main deficiencies or shortfalls in his performance as Fire Chief?
 - i. See above.
 - ii. The failure to take ownership of his responsibility.
 - iii. Timeliness or lack of promptness.
 - iv. Lack of follow-through.
- 7. Let's talk about the Battalion Chiefs directly under him—we'll take them one at a time. For each, I would like you to give me a general assessment of their performance, and then strongest points and areas needing improvement.
 - a. Let's start with James Reardon.

- i. General assessment.
 - 1. I have not had a lot of contact with BCs until this particular situation, but I have known him for a long time. I was engaged to his cousin at one point, and we had a rapport when I came. He is very personable. He plays the political game; he is personable to the point of being like a politician. Every project I have talked to him about or worked with him, he has completed the process and followed up. The Union recommended that he be named Acting Chief.
 - ii. Positive aspects of performance.
 - 1. See above.
 - iii. Weaker areas or areas needing improvement.
 - 1. None noted.
- b. Tim Piwtorak.
- i. General assessment.
 - 1. Same situation—he has really stepped up in taking ownership of department through his particular shift. He has brought forward proposals, thinking outside the box. Of the three, I can most picture him as more of a black-and-white type individual (though he has some grey in him). Anything we have talked about, I have gotten response back quickly. He is working on emergency response/active shooter program with schools, reviewing protocols with each school.
 - ii. Positive aspects of performance.
 - 1. No, see above.
 - iii. Weaker areas or areas needing improvement.
 - 1. He comes across being more black-and-white, though he listens to the grey areas, but in that role, maybe that's more appropriate. Not too rigid, but a "by-the-book" guy—if there is a policy, it should be followed unless there is a good reason (the grey). He won't let the grey override the outcome.
- c. Duane Price.

- i. General assessment.
 - 1. Overall, he is the quietest of the three. At first, I thought that he was the newest to the department, but he is high in seniority. Of the three, he is the one whom I knew the least prior to this investigation.
 - ii. Positive aspects of performance.
 - 1. I have seen him really step up through this process. We've had more communication since then. He seems willing and able to assist as needed.
 - iii. Weaker areas or areas needing improvement.
 - 1. He seems kind of quiet, and in that environment, I don't know if that is the best person, but I don't know how he is with his staff.
8. From my review of the file and documents you provided, as well as my initial meeting with you and Mr. Huffman, 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 you 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.
 - ii. Tell me more about what happened.
 - 1. It was established prior to my coming into the role. I understand that he was encouraged to establish a committee. About a month ago, I had a meeting with two of the residents who volunteered to be on that committee—Julie Losee and Karl Salmon. They wanted to meet to express their displeasure with how that process was going. They did not feel that their comments or ideas were being heard. It felt like a "dog and pony show," as they called it. They believed that the other individuals on the committee were specially picked and chosen by the chief to particularly support to the Chief. They had asked to be on the committee.
 - 2. The last meeting of the committee was in October, and I met with them in March—they had had no meeting or follow up with any of the Committee members. Since he was placed on administrative leave, I have been receiving his e-mails, and he received an e-mail

from a third resident member (Teri Morgan) asking if she had been removed from the Committee. They had been meeting monthly, but no meeting since October.

iii. And how would Chief Jensen know what you and the Trustees expected him to do in this area?

1. I was not involved with the start up (probably in January 2015), but I believe that the Trustees expressed their desire to see this committee established.

iv. Was that project seen through to completion?

1. No, see above.

2. What was the impact of that failure to follow through on the Township and the Fire Department?

a. It matters. Karl Salmon is a regular attendee at Trustee meetings, a “fiscal observer” on how money is being spent and how. Through those meetings, he mentioned the creation of the Fire Department administrative position (for Jim Cirigliano)—he sees that as an issue for any future levy request. The lack of follow-through will be used against the Township in future levy campaigns.

b. Have you had any similar issues with any other department heads or managers when it comes to following through on your or the Trustees’ direction on a project?

i. Nothing like this, no.

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 have not heard directly from other fire departments. Edward Kim made a comment about his interaction with Orange and Genoa Townships, and he said that the other departments do not look favorably on Liberty Township Fire Department.

ii. Tell me more about that.

1. Trustee Mitchell in his e-mail about some specifics—he wished the Chief would step up more in the EMS process with the County as well as in the union negotiations.

- iii. Have any of the Trustees voiced concerns about that?
 - 1. Verbally, both of the other Trustees have expressed a sense that Liberty Township, one of the larger townships and fire departments, is not acting in a role that would reflect that. He seems to follow the process rather than lead the process.

- 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. Yes; see above.
 - ii. Tell me about any such incidents that you recall?
 - 1. Nothing other than the above.
 - iii. What specifically do you think the Chief should have done with regard to what the firefighters said when inspecting the Trustee's husband's business?
 - 1. He should have addressed it with the individuals who were involved. Based off the outcomes of that, he should have given a written or verbal warning as needed. I don't believe that there was any discipline.
 - iv. How could it have been handled so that it did not create the impression that the Trustee was retaliating for her husband's business being inspected?
 - 1. Through my discussion with the Chief, the Trustee's name was not used at all—I did not mention a specific business name either. The Chief already knew, though, and he mentioned it. He provided the Fire Department's version of it and he used the business's name—he was already aware of it.
 - 2. He was aware because of Cathy's call to Lt. Hanf for more information on who was involved—and Hanf refused initially.
 - 3. A lot of departments are struggling with having the HR role.

- d. Have issues arisen involving the Fire Department's transport of patients with mental health issues, either within the Township or in neighboring communities?
 - i. Yes, with the City of Powell.
 - ii. Tell me what happened?

1. In December (but we did not find out about it until February). I found about it from Trustee Eichhorn, who had spoken with Chief Vest (Powell Police Chief). At that point, I met with the Chief to discuss the situation and the business owner situation. I tried to find out what happened, was there a protocol not followed. Chief said that it was a verbal agreement between Powell and Fire Department; I have since seen two e-mails from BC Piwtorak discussing the approved process, which predated the incident. The Chief made a couple of comments about the Powell Police Chief—they are cordial with each other, but the Chief implied that this was an opportunity for the Police Chief to make him look bad.
2. How did Chief Jensen respond to this?
 - a. I was led to believe that it was an implied, verbal agreement—though I have seen procedures since. [Ask Jensen about this.]
 - b. If my memory serves me, we discussed taking action against the individuals, but that was specifically discussed. He said he would have to do an investigation. But up until then, he did nothing—but he knew about it before.
 - c. I did not give him a directive, but we discussed next steps.
- iii. Did the Chief handle this issue appropriately, in your view?
 1. From a Township perspective, no—though he thinks he did.
- iv. What should Chief Jensen have done that he did not do?
 1. He should have notified me or one of the Trustees that there had been a disagreement with the City of Powell on the transport of mentally ill patients.
 2. Did you discuss this issue with him?
 - a. Yes; see above.
 - b. How did he respond?
 - i. See above; no other conversations. I did write up a synopsis, and he responded—Matt will send to me.
- v. Did you hear from or talk with any officials from other jurisdictions about the handling of this issue?

1. No, just Trustee Eichhorn.
 2. Tell me about those discussions.
 - a. N/A.
9. Does Liberty Township do any top-level planning with the Trustees and all of the department heads?
- a. There is a strategic planning process that was started by my predecessor that did not materialize, not through lack of attempts. We have started a new one with two meetings, one of which involved department heads.
 - b. What role has Chief Jensen played in that process?
 - i. He participated but he was quiet. Questions were asked and he would respond, but he did not offer much up. He had at least two off-site meetings with the battalion chiefs and administrative specialist, and another that included the lieutenants to discuss vision and goals and objectives for the Fire Department, and that was good.
 - ii. Was there anything about how he followed up with that process that gave you concern?
 1. I reviewed a document that came out of that. No problem areas.
 - c. Have any local governments or school districts requested Chief Jensen's assistance in projects relating to public safety or emergency medical care?
 - i. Not aware of them requesting anything.
 - ii. [Active shooter plan.] Tell me more about what happened with regard to that planning process.
 1. As I understand, there was a meeting with Chief, Battalion Chiefs, and Trustee Eichhorn—as she was leaving, she asked if there is anything she could do to help. Piwtorak spoke up about getting a seat at the table on active-shooter planning. After that meeting, Eichhorn and I met with the superintendent on another issue, and we asked for a seat at the table. So that process is now going forward.
 2. If it had been a topic discussed in previous meetings with battalion chiefs, that would have been a point where he should say something to the Trustees about having a role. The issue was getting to his level and dying there—or did he give the battalion chief the

authority to do something. But it's my sense that Piwtorak would have moved forward on this if he had been given the authority. This is important—film over glass or bulletproof glass can slow Fire Department access.

10. Let's talk now about disciplinary issues within the Fire Department, such as suspensions or written reprimands.
 - a. I am assuming but would like you to confirm that only the Board of Trustees has the authority to actually discharge, demote, or suspend an employee?
 - i. I may have the authority, but not Fire Chief or other department heads. But Trustees have given me the authority to suspend.
 - b. Does a department head such as the Fire Chief have the authority to issue a written or verbal reprimand on his or her own authority?
 - i. Yes.
 - ii. What role, if any, do you have in that?
 1. I would hope that I would be aware of it prior to, and now that we have HR as well, she should be involved.
 2. Do either you have to sign off or approve a reprimand?
 - a. Not at this point.
 - iii. Where are records of formal disciplinary action maintained?
 1. We have had three different locations. My predecessor had a file and HR had a file in the Assistant Fiscal Officer's office, and then the Fire Department had files. We are trying to consolidate them— one location, one file. It's in the process; all files now in this office but not yet all consolidated. It was difficult to get the Fire Department files for HR.
 2. Where are firefighters' personnel files kept—with HR or with the Fire Department?
 - a. See above.
 - iv. How is this procedure and these expectations communicated to the Fire Chief and other department heads?
 1. In employee handbook—check.

- v. Have there been any issues involving how Chief Jensen has handled disciplinary action against firefighters under his command?
1. The two situations involving the visit to the business and the Powell mental-health transport issues.
 2. Tell me any problems or concerns you have had regarding the Fire Chief's handling or documentation of disciplinary action, and give me the specifics of each such incident that you recall. (Reprimands—incident not reported, written but never put in file.
 - a. Through my conversations with him and his research, he determined that reprimands were appropriate. He felt that he was supposed to do that. I was adamant about my displeasure about how these situations were handled; he would go back and research what the next steps would be.
 - b. I received his response; I heard reprimands had been issued. Cathy was trying to get copies of the reprimands to make sure that they are in the file as required, and that was a struggle. Chief provided Cathy with the copies. But now that we have the files from the Fire Department, they were not in the files nor were they in the stack of items to be filed. So the copies that the Chief gave Cathy were the only copies.
 3. How do you know that these reprimands that were drafted but never put into the employees' personnel files?
 - a. See above.
 4. Did you at any point learn anything else that Chief Jensen may have said to the employees who were reprimanded following the December incident involving the transport of the mentally-ill woman from the City of Powell?
 - a. From what I have been told, there was a meeting where the Chief talked with some firefighters. Statement about grieving the reprimands, and Chief replied, "Don't worry about this; in a couple of weeks it will all blow over and no one will know about this."
 - b. Do you know who reported that he had said this?
 - i. Not sure how I heard this, but from a couple of different sources.

5. Have there been any issues involving possible theft or disappearance of medical supplies in the Fire Department?
 - a. Way before my time, but I have heard and seen documentation regarding that.
 - b. Tell me more about that.
 - i. I would have expected something this serious to be addressed, and that seems not to have happened.
 - c. What was the outcome or resolution of that issue?
 - i. I don't recall.

11. Did Chief Jensen ever receive direction from one of the Trustees about developing a winter safety program in the last couple of years?
 - a. I was not involved with that directly, but I have heard.
 - b. Tell me about what happened with regard to this ice safety program, including any role you may have had.
 - i. See Cathy's account.
 - c. Was this program ever implemented?
 - i. See Cathy's account.

12. Let's talk about the wellness program and annual physicals for firefighters. Let's start with—what was the program and how was it adopted?
 - a. Don't know—before me.
 - b. When was it first supposed to start?
 - i. See above—I know that there were resolutions to pay for the physicals, but I don't know if there was any follow-up.
 - ii. And what was supposed to happen at that point? Walk me through the steps and procedure.
 1. See above.

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