

1 OFFICE OF THE ATTORNEY GENERAL

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4 IN RE: STANKOSKI/STOUT EEO
COMPLAINT INVESTIGATION

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8 CONFIDENTIAL INTERVIEW OF

9 JOYCE CHAPPLE

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

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16 on April 18, 2008, at 1:19 p.m.

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

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1 PRESENT:

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

5

6 Julie M. Pfeiffer, Esq.
Assistant Attorney General
7 Employment Law
150 East Gay Street
8 Columbus, Ohio 43215

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7 22 30 pages of documents brought 64
by Chapple

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9 23 10 pages of documents brought 64
by Chapple

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APRIL 18, 2008

1 MR. ESPY: Ms. Chapple, my name is Ben
2 Espy, I'm the executive assistant to Attorney
3 General Marc Dann; this is Julie Pfeiffer,
4 senior attorney in the employment section.

5 On April the 8th we were asked to
6 investigate allegations of sexual harassment by
7 one Anthony Gutierrez against Cindy Stankoski
8 and Vanessa Stout. And your name has been given
9 as a person who may have information to aid us
10 in this investigation.

11 We're asking for sworn testimony to be
12 given. We cannot guarantee this will remain
13 confidential. Some of these may be considered
14 public records.

15 THE WITNESS: (Nods head.)

16 MR. ESPY: If you're willing to assist
17 us by granting this interview, you can raise
18 your right hand and be sworn in.

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1 JOYCE CHAPPLE

2 being first duly sworn, as hereinafter

3 certified, says as follows:

4 EXAMINATION

5 BY MR. ESPY:

6 Q. Could you state your full name for the
7 record and spell your last name.

8 A. Joyce, middle initial F., Chapple,
9 C-h-a-p-p-l-e.

10 Q. Ms. Chapple, where are you employed?

11 A. Attorney General's office, State of
12 Ohio.

13 Q. And in what capacity are you employed?

14 A. Chief operating officer.

15 Q. And what do your duties entail as the
16 chief operating officer?

17 A. Responsible for sections of finance,
18 human resources, general services, internal

19 auditing, and IT, information technology.

20 Q. You said finance, human resources, IT,

21 general services, and what else?

22 A. Internal auditing.

23 Q. And how long have you been in that

24 position?

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1 A. Since January 8th, 2007.

2 Q. And how were you hired in this position?

3 A. Submitted a resume to, I believe it was,

4 Greg Beswick at the time. The transition team.

5 I was called for an interview with Greg and Bill

6 Marshall -- well, actually with Marc Dann, but

7 Greg and Bill Marshall met with me, interviewed

8 me previous to my interview with Marc Dann.

9 Q. Is that the position you applied for?

10 A. Yes. Well, I applied for

11 administrative, at that point, not sure what I

12 was going to do, but I applied for

13 administrative that had to do with finance and

14 HR.

15 Q. Okay. And you started work on January

16 the 8th, 2007 --

17 A. Yes.

18 Q. -- is that correct?

19 And who do you report to?

20 A. Ed Simpson.

21 Q. And what's his position title?

22 A. Chief of staff, slash -- I call him

23 chief of policy and administration.

24 Q. Is part of your responsibilities to

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1 review policies and procedures and recommend
2 changes to those?

3 A. Yes.

4 Q. And when you came in on January the 8th
5 of 2007, were you operating under the policies
6 of Marc Dann's predecessor?

7 A. Yes.

8 Q. As to how the office was governed?

9 A. Absolutely.

10 Q. And how long did the office operate
11 under those policies?

12 A. Until new policies were implemented, and
13 that was January of this year. That was after a
14 year-long review by a team and a committee and
15 recommendations made for changes in various
16 policies. And those policies then had to go up
17 the -- to the leadership team, meaning Marc
18 Dann, Tom Winters, and Ed Simpson, for their

19 sign-off and approval.

20 Q. To the best of your knowledge, were the
21 policies regarding EEO operations changed at all
22 from the previous administration to this
23 administration?

24 A. I don't recall. I don't think that

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1 there were many changes, if any.

2 Q. I want to show you what purports to be
3 the policy and procedure manual of the Attorney
4 General's office.

5 A. Yes.

6 Q. And at the bottom of that page there is
7 a year that these policies went into effect.

8 A. Uh-huh.

9 Q. And what year is that?

10 A. January of 2008.

11 Q. Okay. So it's safe to assume that on
12 January, 2008 is the first time that we operated
13 under policies written by the Dann
14 administration?

15 A. Yes.

16 Q. Okay.

17 A. Yes.

18 Q. Now, when you began your employment on

19 January the 8th, 2007, who was the director of

20 human resources at that time?

21 A. Megan Kish.

22 Q. And do you know whether or not she was

23 with the previous administration?

24 A. Yes, she was.

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1 Q. And at some point in time during the
2 year was she replaced?

3 A. Let me think. It had to be late, late
4 in the year --

5 Q. Yes, during the year.

6 A. -- of 2007.

7 Q. Yes.

8 A. Yes.

9 Q. And who replaced her?

10 A. Stephanie Bostos-Demers.

11 Q. And did Stephanie Bostos-Demers have a
12 deputy that worked for her?

13 A. At the time when she move -- took on HR?

14 Q. Yes.

15 A. No. There was a vacant -- let me think.

16 Let me think back now.

17 There was a vacant deputy position.

18 Q. And that was subsequently filled?

19 A. Yes.

20 Q. And who filled that position?

21 A. Alethea Botts. That was vacant under

22 Megan, as well.

23 Q. At some point in time during your

24 employment, did you have the occasion

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1 opportunity to meet one Anthony Gutierrez?

2 A. Yes.

3 Q. And when did you meet him?

4 A. In February of '07.

5 Q. Did you know him prior to that time?

6 A. No.

7 Q. And when you were hired on January the

8 8th, was Ed Simpson on board at that time?

9 A. Yes.

10 Q. And had you known him prior to your

11 employment here?

12 A. No.

13 Q. And did you ever, on occasion, have a

14 chance to meet Leo Jennings?

15 A. No, sir, not before he came to work for

16 the administration.

17 Q. Once you came here, you met him?

18 A. Oh, absolutely. And that was months

19 after, I think, we were here. Months after

20 January did I meet Mr. Jennings.

21 Q. And you didn't know him prior to your

22 beginning employment here; is that correct?

23 A. No, sir, not at all.

24 Q. Did you know the Attorney General prior

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1 to your applying for the job?

2 A. I had met him one time at a festival in

3 Toledo.

4 Q. Okay.

5 MR. ESPY: Hold that thought for one

6 second. That's my secretary.

7 (Pause in proceedings.)

8 MR. ESPY: Could you read back the last

9 question.

10 (Record read as requested.)

11 BY MR. ESPY:

12 Q. What about Tom Winters?

13 A. I knew Tom Winters since the Celeste

14 administration in the '80s -- 1980s.

15 Q. Okay.

16 A. Didn't know him personally, but I knew

17 of him.

18 Q. Tell us a little bit about your

19 background in human resources. I know you've

20 been doing it for a long time.

21 A. Well, I'll be brief. My background is

22 long, when you're as old as I am.

23 Basically, I attended college in

24 Kentucky, and then finished my degree in Toledo,

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1 Ohio, my bachelor's and my master's in public
2 administration.

3 And my career started in, let's see,
4 probably '64 working for the federal government
5 in Cincinnati for about five years. And then
6 moved on --

7 Q. Was that in HR?

8 A. No. I was not in HR. I was just in
9 administration for -- a GS5 for the federal
10 government doing travel-type things for the
11 military.

12 Q. Okay.

13 A. I attended college during that time.
14 And long story short, I left -- moved to Toledo,
15 finished my bachelor's and my master's degree
16 working for the City of Toledo and the Catholic
17 Diocese. City of Toledo, I was doing
18 administrative-type program evaluation work.

19 And my professional career basically
20 started -- I was in human services in the City
21 of Toledo after I graduated, and moved on to --
22 oh, goodness, the positions would range from --
23 I was assistant director of personnel at the
24 Medical College of Ohio in '76, when I graduated

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1 with my master's degree. Then I ended up going
2 back to the City as a commissioner of human
3 services. And then I was promoted in the City
4 in probably '78, '79 time frame, to director --
5 second woman director in the City of Toledo
6 history, and I was director of natural
7 resources.

8 Then in -- five years after that, a
9 gentleman in Toledo submitted my resume down to
10 the governor, and I came down and interviewed,
11 and in '83 was appointed to the governor's
12 cabinet to run the Ohio Department of Aging.
13 And under Aging, I had a lot of HR
14 responsibilities, because we did all of our
15 hiring and firing and disciplines and grievances
16 and so forth.

17 So I did Aging for five years; went to
18 Ernst & Young as a management consultant; and

19 then back home to Toledo to run municipal
20 departments. Ran the health department. What
21 else did I do up there? Oh, you name it. I was
22 dean of business at Owens Community College.
23 And this was all before I went in as HR director
24 for the mayor -- former mayor of Toledo. I did

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1 four years as HR director there.

2 Q. Was that under Mayor Ford?

3 A. Yes. And I was at the university off

4 and on. I'd go to the university and work in

5 administrative positions. I was HR director at

6 the university, as well, for a couple years.

7 And I had a couple different jobs there.

8 And then I went -- the mayor called and

9 said, would you be willing to leave the

10 university and come to my administration? And I

11 was winding up my career at that point, and I

12 thought, might as well. I had 20-some years in

13 the system, and I thought I might as well go do

14 that.

15 Q. Okay.

16 A. So that's kind of my career. And all

17 along there, I've managed budgets, very

18 substantial budgets in the various departments

19 that I ran. I think my -- my budget here was
20 over a hundred million in a biennium for the
21 Department of Aging.

22 Q. Okay. Did you -- when's the first time
23 that you heard the name of Cindy Stankoski?

24 A. In the fall. We were meeting in human

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1 resources on some other topic, and the director
2 of human resources, Stephanie -- which was
3 Stephanie Demers, asked Ed and I if we could
4 stay for a few minutes, she needed to talk to us
5 about something. And we stayed back. And she
6 told us that a girlfriend -- Mariellen Aranda, I
7 believe her last name is -- of Cindy's came to
8 her, came to Stephanie, very concerned about
9 Cindy being out with Tony Gutierrez and with
10 unwanted attention toward her.

11 And then Stephanie relayed, into great
12 detail, why the girlfriend felt that something
13 needed to be done with Tony.

14 And my question was -- to Stephanie was,
15 well, would the young lady come forward and tell
16 us herself what is wrong or what's transpired or
17 why she's so upset?

18 Apparently, Stephanie went and checked

19 that out and came back to me and said, no, she
20 will not come forward. I said, well, would she
21 at least file a complaint so that we can have
22 something other than a girlfriend saying that
23 she's concerned about her?
24 And they came back again and said, no,

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1 she refuses to file a complaint. And I said,
2 well, I know what I'm gonna do. I'm gonna meet
3 with Tony and find out if any of this is true
4 and counsel him.

5 So I went looking for Ed -- not Ed. Ed
6 was with me. I said, Ed, you go talk to the
7 Attorney General. I'm going to talk -- I'm
8 gonna go find Tony. So I went looking all over
9 for Tony that day, because I was really upset at
10 what Stephanie had said, if any of that was
11 true.

12 So I went all over, couldn't find him.
13 So I e-mailed him and said, call me -- or called
14 him on the phone and said call me. In any
15 event, he called me back.

16 And I said, I need to meet with you
17 immediately. He said, I'm in my car. I think
18 he was over in another part of the state, the

19 eastern part of the state. And I said, well,
20 this can't wait. I hate to do this on the
21 phone, but you need to hear me out. I said, if
22 the information that we've heard about you
23 dating or trying to take out your staff is true,
24 you need to cease and desist that immediately.

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1 I said, Tony, you don't date or do anything with
2 people who work in this office. And I was
3 very -- I was very intense with him. And he's
4 trying to explain. I said, don't explain
5 anything to me. I don't know if this is true.
6 And he said, well, did she tell you that? No, I
7 heard it secondhand.

8 Q. Is this over the phone you're having
9 this conversation?

10 A. Yes, I did, because I couldn't find him,
11 and he was on -- he was over near Richfield.

12 And I said to him -- and I remember, and
13 he will remember -- I said to him, I don't care
14 what you're doing. You do not date or take out
15 or harass people in this office. And he said, I
16 understand. I will -- it will not happen again.
17 I promise you.

18 That was the first time I heard the

19 young lady's name.

20 Q. At that same meeting you had with

21 Ms. Demers, did you approve a transfer for

22 Aranda -- Ms. Aranda?

23 A. I don't -- I remember her name coming

24 up, and I remember we probably -- oh, we

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1 probably discussed her because of -- I think
2 Stephanie said that the Mariellen is
3 uncomfortable or being -- it wasn't anything to
4 do with harassment. It was more of not getting
5 along, apparently, with her supervisor, her
6 boss, or Tony. I don't remember which one. And
7 it was said that she would like to move or --
8 either Stephanie said, can we move her, and I
9 don't know which. And I said, if she is
10 uncomfortable in her workplace, and she's
11 willing to move, I don't see a problem with
12 that.

13 Stephanie said, I know there's an
14 opening at -- I think OCIC or something like
15 that. Let me look into seeing if that would be
16 a fit. I'm sure I would have said, that's not a
17 problem, but only if it she's interested in
18 doing that.

19 And then I think there's an e-mail that
20 backs that up that I even read today, and I
21 didn't know I had it, that said that -- where
22 the young lady says, yes, I'd like to proceed,
23 or something like that, with that position.
24 Q. Okay. So she transferred, then, to

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1 OCIC?

2 A. Uh-huh.

3 Q. But she was unsuccessful in her
4 background check.

5 A. Right.

6 Q. So she could not stay out there, and
7 then she transferred to CGJI?

8 A. I think [REDACTED]

9 [REDACTED]

10 That's right, [REDACTED]
11 think, right before or after. I can't remember.

12 Q. [REDACTED]

13 A. Well, [REDACTED]

14 [REDACTED] -- I had

15 an e-mail on that, too. [REDACTED]

16 [REDACTED]

17 But she did -- her background check did
18 prevent her from staying out there; and I

19 understand she really loved the job.

20 Q. After she left that position, did you

21 subsequently learn that a person named Vanessa

22 Stout was being considered for that position?

23 A. No, I never heard that.

24 Q. Never learned that?

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1 A. No.

2 Q. What was the next contact you had

3 regarding Cindy Stankoski?

4 A. It may have been this March.

5 Q. Before we get to that, this oral

6 reprimand you gave to Mr. Gutierrez, did you

7 ever reduce that to writing?

8 A. No, I did not.

9 Q. Did you ever make a --

10 A. Because I didn't have a -- I felt like I

11 was disciplining someone for something I didn't

12 have a complainant. Like, go to court, tell the

13 judge, can you take action against this person,

14 and I don't have a -- somebody saying what they

15 did.

16 Q. Did you ever do any correspondence back

17 to HR in terms of what you did in terms of your

18 oral reprimand?

19 A. Just verbally with Stephanie.

20 Q. Verbally?

21 A. Yeah.

22 MR. ESPY: I'm sorry for these phones.

23 THE WITNESS: No problem.

24 (Pause in proceedings.)

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1 BY MR. ESPY:

2 Q. So you did not make a notation to anyone
3 that you had given this oral reprimand to Tony
4 Gutierrez?

5 A. Just verbally to Ed and to Stephanie.

6 Q. Okay. And the next contact you had --
7 or knowledge you had about other problems
8 involving the same situation was the first part
9 of March; is that correct?

10 A. Let me think now.

11 Q. We have a time line here.

12 A. I think it was March. I think that's
13 the next I heard. No, wait. It was whenever
14 the -- Vanessa was going -- was transferred.
15 That was before March.

16 Q. Yes, it was.

17 A. Okay. Here's what happened. Ed called
18 Stephanie and I into his office and said that we

19 needed to transfer Vanessa -- Stout, is it?

20 Q. Yes.

21 A. Stout. I said, who is Vanessa Stout? I

22 had never heard the name, ever. And part of the

23 reason I didn't ever hear the name is we changed

24 the hiring -- forms for hiring, and only Ed and

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1 Tom were signing those, because we were trying
2 to cut some time out. Whereas before, I had
3 them all in front of my face and I initialed
4 them when hires were coming on. So that's why I
5 didn't know this woman had been hired.

6 So Ed tells us who -- Vanessa is an
7 employee in general services, and we need to
8 find a place to transfer her.

9 Well, that's the point at which
10 Stephanie shared her -- I don't know if
11 Stephanie brought the personnel folder up or
12 something with her background and her -- so you
13 could see what was she qualified for. And
14 that's the first time I then saw the police
15 record check. And I said, oh, my God. How did
16 this woman get hired? Stephanie pulls out and
17 shows me the police check. Because no one
18 normally gets hired if HR opposes them to be

19 hired unless myself or Ed or Tom signs off on
20 the police checkup in the corner. Because
21 anything that raises red flags, HR will say --
22 they won't process it. They'll bring it
23 upstairs and say, would you guys let us know,
24 per policy, if this person's offenses are of --

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1 serious enough where they would not be hired.

2 So I looked at that and I said, oh,

3 jeez. I said, who signed this thing? And --

4 and then it's Ed's signature at the corner. I

5 said, I can't believe we hired this woman. I

6 said, you want to transfer her? I said, you

7 need to fire her. I don't know who she is. I

8 know nothing about her connected with any

9 harassment claim or any of that. I know

10 nothing, other than I'm looking at an employee

11 that should never have been on our payroll. No,

12 no, no, we can't -- can't fire her, is what Ed

13 said.

14 Q. Why did he say he couldn't fire her?

15 A. He just said, we can't -- that's not the

16 thing to do.

17 Q. Did you ask why?

18 A. Well, I know Ed. Ed's just a nice guy.

19 I mean, I hate to say it like that. I said,
20 we -- Ed, she shouldn't have been hired. He
21 said, but she was hired. She's not done
22 anything wrong. If you fire her, that's not
23 right to do. We just need to move her to a
24 different position.

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1 Q. Is this a conversation between only you
2 and Ed at the time?

3 A. Me, Ed, and Stephanie.

4 Q. And Stephanie?

5 A. Yes, Stephanie was in there.

6 Q. Did Stephanie make any comments about
7 why she cannot be fired at that meeting?

8 A. I'm not remembering at that point any
9 complaint or anything like that had been
10 mentioned. Maybe she mentioned it. I can't
11 remember.

12 Q. I'm not talking about complaint. Did
13 she say at the meeting why it was her opinion
14 she could not be fired?

15 A. Oh, yes, she did.

16 Q. What did she say?

17 A. I don't remember what -- I don't recall
18 the reasoning.

19 Q. Was she adamant about it?

20 A. Oh, absolutely.

21 Q. That she cannot be fired?

22 A. Absolutely.

23 Q. But she didn't give a reason why, that

24 you can recall, or what?

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1 A. Because of some retaliation or
2 something. See, I don't remember that part. I
3 don't -- I barely remember that meeting. But I
4 remember it because I remember my shock at the
5 police report and the fact that I didn't know
6 that the woman was even working for us.

7 Q. Did she tell you about any text messages
8 that she had received regarding -- I'm back to
9 Cindy again. Strike that.

10 At that particular meeting --

11 A. Wait. Way back when in that early
12 one --

13 Q. I'm not going there yet.

14 A. Okay.

15 Q. At that particular meeting you had with
16 Ed and Stephanie Demers, were you the one who
17 said she should be fired?

18 A. I said, she shouldn't have been hired.

19 I definitely said, oh, she should be let go, not
20 transferred. I was looking at -- I have a
21 problem with theft. And when I saw that, I just
22 truly reacted. And I listened to reason, and
23 they were making sense. I was going solely on
24 theft on the record. That's all I was going on.

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1 Q. So did you all at that meeting decide
2 she should be transferred?

3 A. Well, Ed said that is exactly what was
4 going to happen, that she was going to be
5 transferred, and we needed to find a place. So
6 I said, IT needs help.

7 Q. Did you ask why she was being
8 transferred?

9 A. Uh-huh. Ed says, the boss wants her not
10 here.

11 Q. Who's the boss?

12 A. Marc Dann.

13 Q. He said he doesn't want her here?

14 A. Working here, right.

15 Q. Did you ask why?

16 A. No.

17 Q. Why not?

18 A. Because I didn't -- to be honest, I

19 didn't care. I mean, I hate to say it like
20 that. He said, she wants -- he wants her
21 transferred. And I'm thinking, you're not
22 cutting her pay, you're not taking her job away;
23 just wants somebody transferred. I didn't see
24 that as -- I didn't see that as harsh action. I

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1 saw my action that I was proposing as more
2 harsh.

3 Q. You didn't see the action at that time
4 as being punitive?

5 A. I didn't agree totally 100 percent.

6 See, I had a different attitude then. My
7 attitude was I was very upset about that police
8 record. So did I see it as being punitive?

9 See, I -- I'm being totally --

10 MR. ESPY: Excuse me for one second.

11 THE WITNESS: I was so focused on that
12 record.

13 MR. ESPY: Hold your thought until I get
14 back.

15 (Pause in proceedings.)

16 MR. ESPY: Could you read that back?

17 (Record read as requested.)

18 A. I was very focused on -- I was too

19 focused on the police record with the thefts on
20 it to even be remotely concerned about a
21 transfer. And I know that -- I just get like
22 that, because I thought, we're going to -- here
23 we go again. We've hired somebody with a police
24 record, and Ed had signed off on it. And I

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1 was -- I just was upset about that.

2 BY MR. ESPY:

3 Q. So you were not aware, then, at the time
4 that Ed had signed that approval for her hire?

5 A. No.

6 Q. Okay. And --

7 A. I learned that day that Tony had gone
8 and asked him to sign that.

9 Q. Right.

10 A. I'm trying to think, did I know about
11 him trying to hire her; I'm trying to think, did
12 I know about that, that he was trying to hire
13 somebody. Usually HR tells me.

14 Q. How did you find out that Tony was the
15 one that went and got Ed to sign it?

16 A. I asked Ed, I said, why did you sign
17 this? And he said, Tony came to me, and came to
18 me, and came to me, and came to me, and I signed

19 it -- finally signed off on it.

20 Q. Okay. And did you -- this goes to the
21 text messages from Mariellen. When did you
22 first become aware of these text messages that
23 she had that she had sent to Molly Taylor?

24 A. I was made aware of them back in the

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1 fall, when Stephanie sat with me and Ed. I was
2 made aware that there were text messages from a
3 personal cell phone to another personal cell
4 phone. Made aware of them back then. And
5 then -- when Stephanie was telling the story,
6 then -- when did they come up again? I'm trying
7 to think.

8 Q. There was a public records request made
9 by Cindy for those text messages. Were you
10 aware that she made a public records request for
11 those messages?

12 A. Who made it?

13 Q. Cindy Stankoski made a public records
14 request.

15 A. Oh, I didn't know about a public records
16 request. I know that she asked -- I know that
17 she asked Stephanie sometime in March to give
18 her a copy of her personal text messages from

19 her personal cell. And I didn't understand the
20 question, and I e-mailed Stephanie back, and I
21 go, why wouldn't she be able to go get her own
22 personal text messages? Why would she be asking
23 you for that? Because normally you just go to
24 your provider, Sprint, and say, hey, I need a

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1 text message. So I didn't know it was a public
2 records request. I knew it was a question asked
3 of Stephanie, is the way I thought it was.

4 Q. Did you ever hear Ed Simpson tell
5 Ms. Demers to give the text messages to Leo
6 Jennings?

7 A. Somebody said that, and I don't remember
8 who said it.

9 Q. How do you know somebody said it?

10 A. Because I'm -- yeah. I think I was in
11 there with Stephanie. Ed or somebody said, give
12 those to Leo. And I said to Stephanie, just
13 bring them up to me, and I'll hand them to him.
14 I didn't even read them.

15 Q. Why give them to Leo?

16 A. Because he asked for -- he asked for a
17 copy of those. He either asked, or Ed told us,
18 get a copy to Leo. And I said, Stephanie, just

19 bring me a copy, and I'll just give it to Leo.

20 Arbitrarily gave it to Leo without even reading

21 them.

22 Q. But what -- how does Leo fit in the

23 chain of command here regarding text messages

24 which went to HR? How does he fit in that

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1 picture?

2 A. Ed just said give him a copy. I knew
3 she had the copy. I said, do you even have a
4 copy? She said, yes, I have a copy.

5 Q. And you gave the text messages to Leo
6 Jennings?

7 A. I handed them to him.

8 Q. And what happened once you gave them to
9 him?

10 A. I left out of his office.

11 Q. Did you see him destroy them?

12 A. No, I didn't.

13 Q. Did you hear later on that he destroyed
14 them?

15 A. I heard that Tony made a remark to one
16 of the young ladies in his section that, oh, Leo
17 tore those up, or something to that effect.

18 Yes, I did hear that later.

19 Q. Did you --

20 A. And I think Stephanie may have shared

21 that with me.

22 Q. Did you ever verify it, that he had torn

23 them up?

24 A. No.

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1 Q. Okay.

2 A. No.

3 Q. Do you know of any -- from a standpoint
4 of organizational knowledge and structure, is
5 there any reason why Leo, as the communication
6 director, would have a copy of information that
7 went to HR?

8 A. If it was part of a request from the
9 press or something. I didn't know why he had --

10 Q. Were you aware of any request from the
11 press at that time for those text messages?

12 A. I didn't know of any at that point.

13 Q. Okay. Are you normally advised when
14 there's a public records request by HR? Are you
15 normally advised of that?

16 A. I generally get copied from -- is it
17 Lauren? Not all the time, no. Only --
18 sometimes I'm copied, but sometimes I'm not

19 copied, because maybe it doesn't have anything
20 to do with my sections. Because I know there
21 have been records requests, and I've said, oh,
22 what's -- when did they ask for that? And it
23 went, like, to different people, where they
24 thought the records were housed.

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1 So I don't get copies of all the records
2 requests, because this is the first I'm
3 understanding that Stankoski made a records
4 request for her text messages. Because if
5 you'll see in my e-mails, you'll see my
6 confusion, because I said to Stephanie, why are
7 you e-mailing back and forth on this; and
8 Stephanie responds to me, no, I returned her
9 phone call. And I go, oh, I understand. And
10 you'll see that in there.

11 Q. Yeah. I saw that where you said it's
12 from personal telephone to personal telephone.
13 So I understand that.

14 A. Yeah.

15 Q. Going to the month of March, last month,
16 when were you first told about Ms. Stankoski's
17 claims, her interview with HR? When were you
18 first told about that?

19 A. I don't know the date. Probably very

20 shortly after Stephanie met with them.

21 Q. Did she come and meet with you and Ed

22 together, or separately, or what?

23 A. God. I cannot remember.

24 Q. Okay. What did she tell you, if you can

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1 recall, generally about Ms. Stankoski's

2 complaint?

3 A. That she wanted to file a complaint

4 against Tony Gutierrez for sexual harassment --

5 I'm trying to think -- unwanted sexual advances

6 and comments being made in the department. I'm

7 trying to think what else. I think just general

8 kinds of things like that, that she mentioned.

9 Q. And were you in on that meeting? Were

10 you there?

11 A. Oh, no. When they interviewed? No.

12 Q. After the interview and they came and

13 reported back up to you and Ed about that

14 interview, were you a part of that meeting?

15 A. I'm -- you know what? Isn't that

16 terrible that I don't remember? I don't

17 remember how I found out from Stephanie. I

18 don't remember if she called me and said, Joyce,

19 we've got a problem. I don't remember if she
20 called me, or if she said, can you meet me in
21 Ed's office. I honestly don't remember. I know
22 she made us aware of the complaint and of the
23 details and nature of the complaint.

24 Q. Okay.

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1 Now, Ms. Demers gave me a very detailed
2 chronological report of the events in March, and
3 she indicated that on March 11th, she met with
4 you and Ed Simpson and told you about
5 Ms. Stankoski's allegations. You all discussed
6 options, and basically she left there, and you
7 said you and Ed would handle it. She went back
8 to HR, and it was up to you and Ed to handle it.
9 Do you recall that?

10 A. That probably is true, because we were
11 probably stunned.

12 Q. And she told you at that time that
13 Mrs. Stankoski does not want to be transferred
14 out of general services.

15 A. Oh. Right. Absolutely. And no one had
16 an issue with that, when she said that.

17 Q. And you advised Ms. Demers to inform the
18 ladies that they should fear no retaliation and

19 that they are safe in their jobs.

20 A. Yes.

21 Q. Do you recall telling her that?

22 A. Yes.

23 Q. Okay.

24 A. And to file a formal complaint.

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1 Q. Okay.

2 A. At some point I told her to tell them to
3 file a formal complaint.

4 Q. Do you recall -- that was on March the
5 11th. During the next few days, March 11th
6 through March 20th, Ms. Demers said she was
7 trying to go back and forth with you and Ed,
8 trying to figure out what's going to be done,
9 and she didn't get any answers. What happened?
10 What did you all do between March 11th and March
11 20th to address the problem?

12 A. Let me think. I know -- I remember a
13 conversation that I had with Stephanie where I
14 told her that she needed to inform the
15 complainants that they needed to file a formal
16 complaint, per the policy manual, and then we
17 would have the EEO officer begin to look into
18 it.

19 And the reason I did that is because
20 there seemed to be a lot of notes -- little
21 e-mails going back and forth, or either
22 Stephanie would call me or say something like,
23 they're e-mailing me and calling me and saying,
24 what's being done, what's being done. And I

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1 told her, tell them we're going to be looking
2 into this and to go ahead and proceed with
3 filing a formal complaint.

4 I know what was happening was -- I think
5 one of the young ladies was calling Stephanie or
6 Alethea, like, every day saying, guess what
7 happened today, guess what happened today. And
8 I think it all stirred up because she thought
9 her job was being advertised, is what got it
10 going. And what Ed thought he did to quell that
11 was he said, Stephanie, you need to reassure her
12 that her job is not being advertised and no
13 position is being planned down in general
14 services, that way we can step back from this
15 without people panicking.

16 Q. The problem is between the time she met
17 with you and Ed the first time on March 11th, it
18 was not until March 20th --

19 A. I'm going to write that down because I'm
20 going to figure out where it was.

21 Q. It was not until March 20th that you
22 advised them to file a complaint.

23 A. Okay. I'll figure out what --

24 Q. Based on the chronology.

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1 A. Okay.

2 Q. Between March 11th and March 20th, I'm

3 trying to figure out, what did you and Ed

4 Simpson do to try to alleviate the situation?

5 Because we've been told by people in HR that

6 they were frustrated because they couldn't get a

7 response from you or Ed about what to do in this

8 case between March 7th and March 20th.

9 A. Yeah, they were frustrated. And I kept

10 telling them to calm down and be patient.

11 I wanted to look at the calendar and see

12 what kind of dates came in there, just for my

13 own information.

14 They were very frustrated. And I told

15 them -- I assured them, I said, you need to be

16 patient. This will be dealt with. They're

17 allegations at this point. We don't know what's

18 true and what's not true. And HR kept calling

19 us saying, what are you going to do to Tony?

20 What are you going to do to Tony? What are you

21 going to do to Tony? And I go, get us -- tell

22 us what happened. Get us -- tell me -- get a

23 complaint.

24 Q. Well, they indicated, Ms. Chapple, that

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1 your response was more like, would you people

2 just get off of it.

3 A. No.

4 Q. And Tony Gutierrez is not going

5 anywhere.

6 A. No.

7 Q. They -- it's been indicated that was

8 your response --

9 A. That's not --

10 Q. -- during the period of time that

11 they've been trying to get an answer. And they

12 went back, and after hearing from Cindy's mother

13 calling the office to assure that her daughter

14 was still going to be safe, they still couldn't

15 get an answer from you or Ed about what to do

16 until the 20th.

17 A. Right.

18 Q. When -- you said, have them go file a

19 complaint with Angela.

20 A. Well --

21 Q. And that's happened between those days

22 of March 7th -- March 11th and March 20th.

23 A. I'm looking right here. March 11th was

24 a -- was it a Tuesday? I'm just looking here.

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1 See, that seems like a long time. And that's --
2 let me see. Hold on. 11th -- the 11th is a
3 Tuesday. So it was Wednesday, Thursday, Friday.
4 I'm trying to count how many workdays that was.
5 Yeah, it was a Wednesday, Thursday and a Friday.
6 It was a Wednesday, Thursday, Friday,
7 and a Monday, Tuesday, and Wednesday. So you're
8 talking total of six -- six workdays. And I
9 don't know if Ed was to deal with it or if I was
10 to deal with it. But it was literally six
11 workdays. And I don't know that they -- they
12 were frustrated in HR; but this was not the only
13 thing that we had to deal with, nor -- nor did I
14 realize that it was of that emergency of a
15 magnitude. No one was being harmed. We needed
16 to move forward. But I didn't -- and of the six
17 days, I was only in that office four.
18 Q. Let me ask you a question.

19 A. Okay.

20 Q. Your background's in HR. I'm not sure

21 if your background is in EEO matters or not.

22 A. No, not as -- no.

23 Q. Under EEO matters, if you look at the

24 policy manual that's put out by our office,

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1 dated 2008, you'll see words in the policy for
2 EEO like immediately, showing the urgency of the
3 situation, things need to be done right away.

4 A. Right.

5 Q. In EEO matters, when you have
6 allegations of sexual harassment, which I
7 think -- would you admit you had those
8 allegations on March 7th?

9 A. Absolutely. 17th?

10 Q. When you have sexual harassment
11 allegations, the urgency of trying to separate
12 the individuals is paramount.

13 A. Uh-huh.

14 Q. So it may not appear like a long time on
15 a calendar map, but between March the 7th, when
16 they first got knowledge of these sexual
17 allegations, to March the 20th, and nothing's
18 still been done, that's why the time period is

19 so crucial.

20 A. And I think Ed was working on trying to
21 decide whether or not to remove Tony from the
22 environment or remove the complainants from the
23 environment, to be able to work the thing out so
24 that there's not an uncomfortable situation on

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1 both of their part. And both -- both, then,
2 Stephanie and I told him, you cannot move the
3 complainant from the situation because that does
4 look like retaliation. We have to do something
5 with Tony. That -- Ed is my boss. Tony is --
6 even though on an org chart, he reports to me,
7 basically on all the construction projects,
8 reports to Ed.

9 And I'm not saying that I couldn't do
10 anything about it, but I don't think I had the
11 authority to say to Ed, you need to get rid of
12 Tony or put him on leave until we figure this
13 all out. Because I know there are two sides to
14 every story, and I knew we were hearing one side
15 of the story at that point.

16 Q. What did you do to get to the bottom of
17 the other side? Was Tony called in to be
18 questioned by you or Ed about the allegations?

19 A. I believe Ed may have talked with him.

20 I didn't. Because I just -- I let Ed handle

21 that, because I felt that it was at a higher

22 level than me.

23 Q. Let me ask you this, Ms. Chapple: The

24 problem we have, the policy manual under EEOC

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1 matters in the Attorney General's office says
2 that when a person comes and makes allegations
3 about sexual harassment, it's immediately given
4 to the EEO officer, which in this case is Angela
5 Smedlund, and they are to immediately have an
6 investigation.

7 When these allegations came out on the
8 7th, why was it not given to Angela Smedlund
9 until March the 27th?

10 A. If -- I wish I could tell you. I
11 don't --

12 Q. Do you disagree with my
13 interpretation --

14 A. No, I don't --

15 Q. Do you disagree with my interpretation
16 of the policy?

17 A. No, absolutely not. No. I'm just
18 trying to figure out when Stephanie met with us

19 and when it was given to --

20 Q. She met with you on March 11th.

21 A. And then I believe that there were

22 several meetings during that time, some with and

23 some without me, between Ed and -- maybe even Ed

24 and Tom, trying to figure out how to proceed in

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1 a proper way with this.

2 Q. But the policy tells you how to proceed.

3 On the 11th of March, when these allegations

4 were given to the HR director --

5 A. Right. Which the policy does say it can

6 be given to this person or that person.

7 Q. But after it's given to the HR director,

8 it's given to the EEO officer for an

9 investigation. That's what the policy says.

10 A. Right.

11 Q. So I'm trying to figure out why it

12 stayed in Ed's office and your office between

13 March 11th, when you first became aware of it,

14 to the 20th. And the 27th is when the EEO

15 officer finally starts an investigation. And --

16 A. Well, no. She was told -- she was

17 instructed to start it way before that day.

18 What she did was made the calls to set up the

19 appointment for the 27th. I think she -- I'm

20 almost positive she made the calls on that

21 Friday to set up for Monday, because she was

22 going to be out of the office. I'm almost --

23 I'm positive about that fact.

24 Q. Well, before that, on March 20th, the

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1 way this chronology goes, Ms. Demers was advised
2 by either you or Ed that she could not
3 investigate because she's too biased.

4 A. No, she was too emotional.

5 Q. Too emotional?

6 A. She was very emotional about the
7 whole -- the whole ordeal, from even back in the
8 fall. She was very, very -- I felt very uptight
9 and just, like, almost upset.

10 Q. Is that a reason -- I mean, normally a
11 reason would be that she would be biased or
12 could not be impartial. You're saying her
13 emotional ability made her impartial?

14 A. No. She -- when she was explaining to
15 us her comments, before she even heard another
16 side of the story, was transfer Tony right now
17 up to Youngstown. That was -- and it was in
18 that kind of a -- this was in the first meeting

19 we had with Ed. And I said, wait a minute,
20 don't we need to know -- don't we need to hear
21 two sides of the story? Are you assuming that
22 all of what you've heard at this point is true?
23 I don't remember what time that -- when that
24 was. I said, we've got to get two sides of the

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1 story here.

2 Q. Two sides of the story is not

3 required --

4 A. Okay.

5 Q. -- when you have sexual allegations.

6 A. Okay.

7 Q. And I'm saying it appears no one knew

8 what the procedure was. That's what it appears.

9 Because if this lapse of time is based upon

10 people discussing what to do next --

11 A. Okay.

12 Q. -- I haven't heard one person tell me, I

13 went to the policy manual to see what's next.

14 A. We did do that. But what you're saying

15 is there was a delay in us doing that.

16 I was in that office four days during

17 that period; and, in one or two of those days,

18 we were in Tom Winters' office, where it was

19 discussed we go to the -- this needs to be

20 investigated by an EEO officer.

21 Now -- and I told Ed, I said, Ed, if

22 anything -- if anything -- all we did was lapse

23 a few days where we should have been taking

24 action faster. And part of that is because we

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1 have all of these other emergencies on our
2 plate, these other meetings out of town,
3 University of Toledo, with the crime lab, the
4 BCI parity thing. Did we drop everything we
5 were doing to work on this issue? No, we
6 didn't. Should we? Maybe, looking back,
7 Monday-morning quarterbacking, maybe we should
8 have.

9 But that's what it boils down to. Four
10 days lapsed, four working days for me in that
11 office. And one of those, I recall, being in --
12 talking about we need to do -- we need to go to
13 the manual, we need to go and start a formal
14 investigation. And that's what basically
15 happened. We did not drop what we were doing.
16 He's racing off to 40 meetings. I'm racing off
17 to 40 meetings. And it was like this was not
18 the only thing in our world at that point.

19 And -- and that's the only thing we can be

20 faulted for.

21 Q. Okay. She initiated the investigation

22 on March the 27th.

23 A. She made the appointments on -- what

24 date is that on, a Monday? Is that a Monday?

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1 I -- I know she called the people at least three
2 to four days prior to that and scheduled those
3 meetings. Because she was leaving for the
4 afternoon to do -- study for her -- the pre-bar
5 or some kind of test that she was taking. And
6 she -- she said she was going to call them and
7 schedule it for that -- for Monday. So she may
8 have started it on the 27th, but she had it
9 before that. I know that for a fact.

10 We just didn't drop what we were doing.
11 We probably should have, but we didn't. But I
12 had four working days in the office during
13 that -- during that time.

14 Q. Ms. Smedlund became aware of the
15 allegations from Ms. Demers on March 27th --

16 A. 27th.

17 Q. -- 2008. So she couldn't have notified
18 the complainants before March 27th, 2008.

19 A. That's a Thursday. She -- I think Angie

20 called the ladies either that day or the next

21 day. Wait, where was I?

22 Q. I'm not disputing what she probably did.

23 A. I know she did. Because, see, I know

24 where I was that day. On that Friday, the 28th,

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1 I was with my tax man, getting -- doing my
2 taxes. I was off on personal leave. In fact, I
3 was off the whole day on personal leave. I was
4 getting -- doing my tax prep, and then got my
5 taxes -- met with my tax man that afternoon. So
6 I wasn't even around.

7 Q. Do you think part of the problem in
8 getting this resolved in more of a timely
9 fashion was because of the close relationship
10 between Ed Simpson and Tony Gutierrez?

11 A. No. I think more of -- more of maybe,
12 if anything, Ed trying to figure out perhaps
13 what to do.

14 Q. Well, if --

15 A. Not a relationship.

16 Q. Would you have gotten involved, you and
17 Ed, as much involved if these allegations were
18 between two employees in the revenue recovery

19 section as opposed to a person who was a manager

20 or a director or an executive in the Attorney

21 General's office? Would you have even gotten

22 involved this?

23 A. Probably, if the person were not at a

24 section chief level, we would not have been that

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1 involved.

2 Q. Okay.

3 A. And even -- well, even still,

4 personally -- and I don't -- nobody probably

5 will agree with me, I didn't feel like I was

6 even that involved. It may sound like I was,

7 but I don't feel like I was that involved in it.

8 I'd answer questions of people and go do --

9 making sure things were moving and go do my

10 work. But, like I said, three days, four days

11 elapsed, and one was because I was doing taxes.

12 Q. But do you agree that -- with the

13 statement that said that on March the 11th, when

14 Ms. Demers left your office and Ed's office,

15 that she was told you all would take care of it?

16 Do you agree with that statement?

17 A. Oh, absolutely. Something to that

18 effect, that -- let us figure this out. Yes.

19 Q. And would you agree that --

20 A. Because her -- her recommendation at

21 that point was -- her only recommendation was,

22 get Tony outta here now, up to -- up to

23 Youngstown. And I'm going, okay, here we go,

24 she's telling us this story, and she's saying,

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1 get rid of this guy.

2 Q. But you want to hear the other side?

3 A. I did. I mean, I know there's always

4 two sides to every story.

5 Q. And would you agree between March 11th

6 and March 20th, at least, there was no action

7 taken in any regard to solve the problem

8 between -- that was raised by these allegations?

9 A. Probably not action, per se, but trying

10 to -- let me think now. Did --

11 Q. Well, let me -- let me put this --

12 A. I'm trying to think --

13 Q. Let me just ask a question.

14 I'm not putting it all on you. There

15 was no action taken by you between those dates

16 to solve the problem. You don't know what Ed

17 did, but by you.

18 A. Right. I -- probably not. I can't

19 think of -- did I have a meeting with anybody

20 else? No.

21 Q. Okay.

22 A. And part of it was because I was not at

23 the office.

24 Q. Okay.

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1 A. But when I was there -- I'm trying to
2 think, did I call anybody, do any -- schedule
3 anything? Let me -- wait a minute.

4 There was a time where Stephanie and I
5 had some communications back and forth. And I
6 can't remember when that was. She probably
7 would remember more better than I, where I said
8 to Stephanie, can you have the ladies file a
9 formal -- a complaint -- an EEO complaint form.

10 Q. That was on March 20th.

11 A. It was the 20th?

12 Q. On March 20th you advised Stephanie that
13 she could inform the ladies that if they will
14 file a complaint, the matter will be
15 investigated by Ms. Smedlund. That was on the
16 20th.

17 A. I'm thinking something happened before
18 that, though. I'll figure it out. What I'll do

19 is go through my e-mails, and I'll figure out

20 what --

21 Q. On March --

22 A. -- other conversation I had with her

23 before that.

24 Q. You had a conversation with Ms. Botts on

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1 March 19th.

2 A. Okay.

3 Q. And she told you about the phone call

4 from --

5 A. The mom.

6 Q. -- Ms. Stankoski and her mom.

7 A. And her mom, yes.

8 Q. And she wanted to know what we're doing

9 about the situation.

10 A. And I said it's being handled or

11 something like that.

12 Q. She indicated that your response is that

13 you're taking care of the situation, do whatever

14 you need to make her comfortable, move her desk

15 or whatever.

16 A. Until we get a handle.

17 Q. That's what you advised her to do?

18 A. Yes. Because she said her desk was in a

19 straight line to Gutierrez and that had her
20 very, very uncomfortable. And I said, well,
21 whatever you need to do. If you need to move
22 her so that she can do her work in a proper
23 manner while this is being sorted out, then tell
24 them to move her so she's not uncomfortable.

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1 Q. But you're aware of conversations, you
2 said, occurring between Ed Simpson and Tom
3 Winters and other people, trying to figure out
4 what to do next?

5 A. I don't know for sure, but I'm almost
6 positive that Ed was talking to someone. It may
7 have been Leo and Marc Dann. I don't know who
8 he was talking to, but I know he was talking to
9 someone.

10 Q. But you agree nothing was resolved
11 before March 27th?

12 A. No.

13 Q. Okay.

14 A. No, nothing was resolved. But I'm gonna
15 still figure out what communications Stephanie
16 and I were having during that window that not
17 much happened to see if we were having any
18 communications.

- 19 Q. Are you aware of rumors in the office
20 about improper personal relationships occurring
21 between coworkers?
22 A. Well, I'll tell you how -- I don't know
23 if I'm naive or I stay focused. Long time ago,
24 someone told me that -- that Ed was dating Tomi

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1 Dorris. And I said, how can that be? I work
2 right down the hall.

3 So I don't -- to be real honest with
4 you, I've -- I'm the kind of person that I
5 don't -- I get so focused on what I'm doing, I
6 don't pay attention to things like that. I
7 truly don't.

8 Q. What about the complainants here, were
9 there rumors regarding the complainants with any
10 person in the office, improper relationship?

11 A. I didn't hear of any, other than Tony
12 talking to them improper or -- or saying things.

13 Q. Are you aware -- strike that.

14 Are there policies not followed in this
15 investigation because of personal friendships in
16 the office?

17 A. I would say no.

18 Q. Specific --

19 A. I would say absolutely not.

20 Q. Specifically --

21 A. Delay may have.

22 Q. Specifically you testified earlier that

23 this lady would not have been hired, but Tony

24 came to Ed constantly to get her approved after

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1 HR denied it.

2 A. Uh-huh. That's my understanding from
3 them telling me that.

4 Q. Was it approved because of the
5 relationship between Tony and Ed, or was there
6 some overriding policy reason why it was
7 approved?

8 A. My impression was that Ed got tired of
9 him asking. That's my personal impression.

10 Q. Is that a reason to approve a change of
11 policy, because you get tired of people asking?

12 A. Actually, it's not a policy that you
13 can't -- that you -- it's not a policy violation
14 to hire someone with a prior record. It depends
15 on the position that they're going into. I
16 personally have a problem with people with theft
17 on a record. But it's not against the policy to
18 hire someone who has a record, depending on the

19 job they're going into.

20 Q. Is it not a policy to not hire someone

21 with a theft record if they're handling money in

22 the office?

23 A. I don't know if that's anywhere in

24 writing, but that should be.

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1 Q. Isn't that a general policy?

2 A. Well, that's anyplace.

3 Q. Okay.

4 A. Yeah.

5 Q. In this position she had as a
6 telecommunications coordinator, she was handling
7 monies being paid for personal calls being paid?

8 A. No, that I had no -- no idea whether
9 Cindy, Pete Mash, or this young lady, I don't
10 know the detail of what their job functions are.

11 Q. Okay. And the second area, which you
12 said there's no change in policy, the transfer
13 policy. Don't you normally have a section make
14 a request to fill a position in a transfer
15 situation?

16 A. An at-will employee, you don't have to
17 have a section making a request.

18 Q. There must be a vacancy somewhere or a

19 job to be done somewhere. There's no job
20 request made to HR. That's been confirmed from
21 IT.
22 A. That's right. There was none. They
23 need help all the time. They have a help desk
24 over there. They're always crying that they're

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1 behind. So to -- to have someone to go to work
2 in IT would almost be the same if we sent
3 someone over to collections enforcement. They
4 can always use help. So I don't see that a
5 policy was violated by transferring the young
6 lady.

7 Q. You're talking about a reason for the
8 transfer. I'm talking about the person being
9 transferred. If a reason was I want to get her
10 off of this floor or get her out of this
11 building, is that a legitimate reason to
12 transfer?

13 A. No, absolutely not.

14 Q. Does that prompt the question as to why
15 is this request being made?

16 A. Yes. Except that I took it for the
17 face -- I -- being honest with you again -- my
18 head thinks business. I do not think personal

19 when I work. I just never, ever have done that.

20 I did not even venture to push somebody

21 to say, why are you doing that? I didn't

22 even -- it didn't even dawn on me to do that.

23 Q. But thinking back now, and knowing what

24 you know about this situation, was it business

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1 or was it personal, the transfer?

2 A. The transfer was, Ed said she needs to
3 be transferred out of general services to
4 another section. Can you guys find a place
5 where there's a need? And Stephanie and I
6 figured that out.

7 Q. I'm saying, thinking back now -- you
8 also said before he said --

9 A. That one went (indicating).

10 Q. I'm saying now.

11 A. Looking back?

12 Q. When he told you the boss wants her
13 transferred outta here, looking now --

14 A. Yeah. And I doubt if I would even have
15 asked, would he have told me.

16 Q. I'm saying now, is that business or
17 personal, the transfer?

18 A. I -- I don't know what it could have

19 been. I don't know had -- we would have asked,

20 he would have told us why.

21 Q. I'm not saying what-ifs. I'm talking

22 about you in this position right now, the facts

23 you know right now.

24 A. Right.

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1 Q. The situation you know right now.

2 A. Was it business or personal? It had to
3 be that somebody didn't want her working in
4 general services. And it couldn't have been her
5 section chief, because he was startled --

6 Q. But the question is, was it business or
7 personal?

8 A. Okay. Maybe I'm misunderstanding your
9 definition of personal. I -- I would assume
10 that it was something that your bosses say, can
11 you handle this, and it's not illegal, it's not
12 immoral, it wasn't hurting anybody, didn't take
13 anybody's pay, it's something you just go -- you
14 work, you do it.

15 Q. I was told that normally in HR -- you
16 have an HR background -- when a person's
17 transferred, you normally have, number one, a
18 request from someone --

19 A. Exactly.

20 Q. -- saying, we need this person.

21 A. You're right.

22 Q. You also have a person who has the

23 ability to perform those functions.

24 A. Exactly.

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1 Q. And there's an HR trail before the
2 person's even transferred. Did you have any of
3 those things in this case?

4 A. No, nothing, other than my superior
5 saying, we need to find a place for this lady
6 outside of general services. That's all we had.

7 And, again, if it had been immoral,
8 illegal, hurt somebody, took their pay, I
9 probably would have said, hold up. It was none
10 of those things. It was, can you -- I -- now,
11 this is --

12 Q. When you say hurt someone, did you or
13 anyone ask Vanessa if she wanted to be
14 transferred?

15 A. Not that I know of.

16 Q. Anyone determine whether or not she was
17 hurt by the transfer?

18 A. Not that I know of.

19 Q. So how did --

20 A. All I know is that at-will employees are
21 at-will employees. You serve at the pleasure of
22 the Attorney General.

23 Q. But at-will employees are still subject
24 to the rules of personnel.

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1 A. Exactly. But they still have -- if you
2 serve at the pleasure of the Attorney General,
3 and if he had said to us that day -- and I know
4 that she serves at the pleasure of the Attorney
5 General -- I do not want her employed in this
6 agency, I would have proceeded to have her not
7 employed in this agency because of her status in
8 the organization. You don't -- in HR, in
9 Toledo, we didn't have to give a person -- we
10 could not like the color of your hair, and if
11 you were serving at the pleasure of the mayor,
12 you would be leaving.

13 Q. I'm totally familiar with at-will
14 employees.

15 A. I know.

16 Q. But also I'm aware that at-will
17 employees are treated with decency and respect.

18 A. Absolutely.

- 19 Q. And if a person's being transferred,
20 even if they're being fired, sometimes they're
21 not told a reason at all, but common courtesy,
22 if it is a legitimate --
- 23 A. Right.
- 24 Q. -- legal reason, you would tell them.

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1 A. Right.

2 Q. So they don't spend the rest of their

3 day saying, why was I fired?

4 A. I've seen that happen, though.

5 Q. Same thing happens in transfers.

6 Employees normally are told why they were

7 transferred, do you mind being transferred, even

8 though the answer won't make a difference, but

9 at least they're told something and not

10 wondering why they're being transferred.

11 Do you agree that should have been done

12 in this case?

13 A. Oh, absolutely.

14 Q. Okay.

15 A. And it wasn't. And it wasn't because

16 when your superior says you transfer somebody,

17 and you're not hurting them, you transfer them.

18 Q. Okay.

19 A. It would not have happened had she been
20 a classified employee or a bargaining unit
21 employee.

22 Q. Correct.

23 MR. ESPY: Did I miss anything? Can you
24 think of anything else?

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1 MS. PFEIFFER: Huh-uh.

2 MR. ESPY: I think that's all I have

3 right now.

4 MS. PFEIFFER: Do you want to mark

5 these?

6 THE WITNESS: You guys are good.

7 MR. ESPY: Huh?

8 THE WITNESS: You guys are good. You're

9 very good.

10 MR. ESPY: Paperwork.

11 THE WITNESS: All the paper will kill

12 you. But you guys are very thorough.

13 MR. ESPY: We have a short window here.

14 THE WITNESS: I know. And that's sad.

15 That part's sad.

16 MR. ESPY: Would you put on the exhibit

17 1 of X number of pages? Pages 1 to so-and-so?

18 Just count them. Put it right on the exhibit.

19 (Pause in proceedings.)

20 -=0=-

21 (Exhibits 22 and 23 marked.)

22 -=0=-

23 BY MR. ESPY:

24 Q. Ms. Chapple, in front of you are

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1 Exhibits 22 and 23. Exhibit 22 consists of 30
2 pages; and Exhibit 23 consists of 10 pages. Are
3 these the documents that you brought today in
4 response to our request that you bring documents
5 relevant to this investigation?

6 A. Yes, sir.

7 Q. And we have those marked as exhibits.

8 And you can verify, these are documents that
9 came into your possession and you certified them
10 to be true representations of the originals; is
11 that correct?

12 A. Yes, they are.

13 MR. ESPY: They'll be admitted as part
14 of this deposition.

15 I want to thank you for coming in.

16 THE WITNESS: Okay. You guys are good.

17 Thank you for coming.

18 MR. ESPY: If there's anything else you

19 can think of that you wanted to share, give us a

20 call.

21 THE WITNESS: Yeah. I'm going to go

22 check the calendar and so forth. I'll let you

23 know.

24 -=0=-

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1 Thereupon, the sworn interview of
2 Joyce Chapple, April 18, 2008, was concluded at
3 2:42 p.m.

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1 CERTIFICATE

2 STATE OF OHIO :

 SS:

3 COUNTY OF FRANKLIN :

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

17 I do further certify that I am not a
18 relative, employee or attorney of any of the
19 parties hereto; that I am not a relative or
20 employee of any attorney or counsel employed by
21 the parties hereto; that I am not financially
22 interested in the action; and further, I am not,
23 nor is the court reporting firm with which I am
24 affiliated, under contract as defined in Civil
25 Rule 28(D).

26 In witness whereof, I have hereunto
27 set my hand and affixed my seal of office at
28 Columbus, Ohio, on this day
29 of , 2008.

30

19

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

20

Notary Public, State of Ohio.

21 My commission expires: March 10, 2013

22

23

24

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