

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 ANDY MILLER

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

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on April 21, 2008, at 1:12 p.m.

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

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1 PRESENT:

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

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

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APRIL 21, 2008

1 MR. ESPY: Mr. Miller, I'm Ben Espy, I'm
2 the executive assistant to the Attorney General;
3 this is Julie Pfeiffer, she's a senior attorney
4 with the employment section.

5 And on April the 8th the Attorney
6 General asked us to investigate allegations
7 involving possibly sexual harassment, hostile
8 work environment with one Anthony Gutierrez.
9 Your name's been given as a person who may have
10 information to assist us in our investigation.

11 We cannot assure you that this will be
12 made -- this will remain confidential. Some of
13 it may be made public. But we're taking
14 statements under oath.

15 THE WITNESS: Okay.

16 MR. ESPY: And we want to ask you a few
17 questions regarding this investigation.

18 Raise your right hand to be sworn in,

19 please.

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1 ANDY MILLER

2 being first duly sworn, as hereinafter

3 certified, says as follows:

4 EXAMINATION

5 BY MS. PFEIFFER:

6 Q. Andy, what's your function in general
7 services?

8 A. I guess -- I say jack of all trades, I
9 guess, but mostly the telecom issues that are
10 from -- you know, I would say, from people
11 moving to a new building, you know, cubes and
12 offices, and the wiring, the -- sometimes -- I
13 started off as, like, an asset manager, sort of
14 working alongside Charlie about five years ago.
15 And a guy named Jamie Schwarts was Pete's sort
16 of right-hand man for the telecom. Well, he
17 left, and, you know, our section just -- they
18 just sort of needed me to do that, so I adjusted

19 in there, and I've been doing that for about
20 three and a half, four years since then. Well,
21 probably three and a half.

22 Q. When did you start working for the
23 Attorney General's office?

24 A. November -- early November. November

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1 3rd, I think it was, of '03. Yeah.

2 Q. Okay. You started out as an asset

3 manager?

4 A. Sort of, yeah. I mean, it was a -- you

5 know, general services assistant, you know, and

6 it sort of was a broad thing. I was learning,

7 you know, facilities management, the car stuff,

8 the -- anything that was X amount of money that

9 we would put in, sort of what Erika does kind of

10 now, is kind of what I started off as. Just

11 putting in a lot of sort of data management, I

12 guess, or however you would want to put it. I

13 don't know.

14 Q. Are you a telecommunications assistant

15 now?

16 A. Yeah.

17 Q. Okay.

18 A. That would be the --

19 Q. When did you become telecommunications

20 assistant?

21 A. Probably about seven or eight months, I

22 would say, after starting. Maybe six months.

23 Jamie, you know, worked real close with Pete.

24 This is obviously underneath the previous

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1 administration. I think he just got a better
2 job, you know. And just -- you know, it took a
3 while to learn everything. That's the kind
4 of -- you know, because actually, when the new
5 administration came in, they let me go and they
6 brought me back.

7 Q. Oh.

8 A. Because they realized -- they were told
9 time and time -- I was actually told 10 minutes
10 before I went up there that I was fine. And
11 they were like -- you know, but it was a big
12 hubbub, a big -- you know, from seeing men cry
13 to seeing women who were, like, weeks away from
14 retirement crying. I just thought it wasn't
15 that big of a deal. You figured they are coming
16 in, and they didn't -- you know, they don't
17 really know how to sort of take on this sort
18 of -- you know, who would, you know, be coming

19 from Youngstown, running -- I don't know how big

20 of an office it was all these people worked in.

21 But they came in, you know, telling me

22 one minute -- you know, literally 15 minutes

23 before I went in there, I was, like, we're going

24 in a different direction. I'm thinking,

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1 Mr. Mehall, you're the exact guy who stood in my
2 cube 15 minutes ago and said, no problem. He
3 was the first one to come in after they rehired
4 me and say, I got your job back. Hmm, that's a
5 little strange.

6 Q. Did you ever leave and come back, or did
7 they realize a couple days later?

8 A. About a month, I was gone, yeah. But
9 this is all normal stuff. They just looked at
10 the -- they didn't -- they -- when you work in
11 there, it's to their discretion, absolutely. I
12 mean, I'm not -- you know, whoever category you
13 want to put it in, classified or union or
14 whatever, whatnot. So I -- it really wasn't a
15 big deal to me. I knew could happen. That's
16 why I didn't understand why someone like -- some
17 of the bosses or whatever, they knew their
18 positions were going to be replaced or whatever,

19 so why it was a huge deal to them. I was like,
20 you knew this could happen, and more often than
21 not, it does. The person that comes in, they
22 have people that they have to give jobs to, you
23 know, that they -- they sort of promised.
24 And what more, a section, if they're not

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1 a lawyer or something like that, general
2 services, they see that sort of title, and they
3 just saw general services assistant and probably
4 were like, okay, get rid of. So I didn't think
5 it was a real big -- especially in light of
6 after I had worked with some of these people for
7 four years or whatever, and seeing them sort of
8 be very upset and stuff, I quickly realized,
9 hey, I'm 20 years younger than some of these
10 people, or 10 or whatever. It's just the way
11 that the State government goes, you know.
12 That's just the way it goes.
13 So I wasn't mad. I knew that they were
14 making a mistake, because it's hard to learn all
15 that wiring. Each building's different, BCI,
16 OPOTA, 150, State Office Tower, Cambridge. It's
17 all different. I'm usually the only guy, you
18 know, that if somebody's got to move floors or

19 whatnot, you know, and those type of things.

20 It's different than -- the wiring's similar to

21 IT, which is a lot of times I do a lot of their

22 work for them, but it's not a big deal. It's

23 very easy.

24 Q. When you came back, who was your -- who

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1 became your immediate supervisor?

2 A. Well, when I came back, Charlie put me
3 in an office with Tony, and he said, this is our
4 new guy, Tony. He said, you know, I told him we
5 needed you. And they did. Because it would
6 take somebody, if they were to hire, which if
7 they were to do it for the money I made, I would
8 be shocked, but take somebody a long time, you
9 know. It took me six, seven months, and it's
10 still not easy, you know. It's very tedious.
11 These wires and things of that nature -- in a
12 way, it's not rocket science, but it took a
13 while.

14 And they quickly realized, you know,
15 they needed -- and didn't -- I wasn't too big --
16 I -- you know, hey, I did say to Charlie, I
17 should -- should I be able to barter for more
18 money right now? I mean, isn't that the way

19 that it goes? Because I'm getting jack, you

20 know. And he said, don't ask them. Just go in

21 there and say, I'd like it back, please, sir,

22 no, sir, yada, yada, yada. That's what I did.

23 And I didn't mind, you know.

24 Q. So Charlie was your supervisor when you

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1 came back, is that how that works?

2 A. Yeah. Charlie -- there really wasn't --

3 everything was still in flux at that point.

4 Charlie had -- along with Molly Taylor, had

5 helped the transition between administrations,

6 you know, tremendously. So he was sort of, you

7 know -- I'm sure he was, you know, the guy

8 that -- more than anybody that said we've got to

9 get this guy back. Pete's going crazy. He's

10 just not sizable to do the kind of crap --

11 excuse me -- the stuff that I do, you know, he's

12 just too big, you know, for one thing. And his

13 time's too -- I mean, there's really just the

14 two of us. That's why --

15 Q. You and Pete?

16 A. Cindy does help, you know, with the

17 billing and things of that nature. It does take

18 a lot of -- a little time off of Pete. But

19 really, if you think of it, if you look at our
20 IT section, it's humungous; and look at the
21 telecom, and it's really just us two. But a
22 lot -- Pete's got a lot on his plate.

23 Q. Was Pete the coordinator?

24 A. Of telecom?

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1 Q. Yeah.

2 A. Oh, yeah.

3 Q. Was he -- did he act as -- did he kind

4 of direct your work from day to day?

5 A. More or less. I mean, a lot of stuff

6 comes up that he doesn't know about that I have

7 to do, you know, stuff I don't need to bother

8 him with. Like today, I had a bunch of people

9 that moved, and it's just -- I'll cc him when I

10 e-mail them and say, hey, I'll be over at this

11 time to do this, you know. But people contact

12 me directly a lot because they know that it will

13 get -- you know, not like that, but it will get

14 done a little faster as opposed to, you know,

15 they'll e-mail telecom, we have our own sort of

16 separate inbox for that. So if I'm gone or

17 Pete's gone or Cindy, you know, we can all see,

18 you know, this is a request made, it's not sent

19 to an individual. But, you know, still -- we
20 still get a lot, you know. They're just used to
21 me or somebody dealing with it, Pete.
22 Or, you know, once they got it down, all
23 bills are sort of Cindy, desktops are Amanda,
24 however it goes.

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1 Q. You know Tony Gutierrez?

2 A. Do I know him? Yeah.

3 Q. Did you have much interaction with him

4 as the deputy or the director of general

5 services?

6 A. That, not really.

7 Q. As you know, we've been investigating

8 some complaints that were made by Vanessa Stout

9 and Cindy Stankoski.

10 A. Uh-huh.

11 Q. During that investigation, we've

12 obtained some information from other people that

13 perhaps Tony owned and operated a private

14 construction company or some business --

15 A. Sure.

16 Q. -- either through his wife or whatever.

17 A. Right.

18 Q. And it was told to us that perhaps you

19 worked on some blueprints for him.

20 A. Not me. I didn't work any blueprints.

21 Q. Okay.

22 A. No.

23 Q. Did you --

24 A. I just started looking at them. But

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1 this is after all this -- this is well after
2 he's been gone. Just this week, I've got sort
3 of more responsibility for some blueprints that
4 are going -- that's the first time I've ever
5 really looked -- I mean --

6 Q. Let me ask you this -- let me -- the
7 question that I have is, did you ever work on
8 any, first of all, blueprints with regard to a
9 private company that he had --

10 A. No.

11 Q. -- or some private business?

12 A. No.

13 Q. Did you perform any work, to your
14 knowledge, that he asked you to do that was for
15 his private --

16 A. No, absolutely not.

17 Q. No?

18 A. No.

19 Q. Okay. Now, it's my understanding --

20 well, it's been established that Cindy Stankoski

21 went out for drinks with Tony Gutierrez --

22 A. Sure.

23 Q. -- on or about September 10th of 2007.

24 A. Right.

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1 Q. Did she e-mail you and invite you out,
2 too?

3 A. Huh-uh. Nope. I don't get -- she
4 probably sent me a text message, strangely, like
5 when she first started, I think she was tending
6 bar somewhere, she sent me one to go to her bar,
7 you know. I think she probably sent it to
8 everybody in our little section, you know.

9 And then I got another one from her one
10 time regarding traffic. And I -- it was very
11 strange. I was like, why is she sending me a
12 text message that she got home at -- traffic's
13 really bad. Why me? I thought she went Andy,
14 and meant to do Anthony on her thing. That's my
15 guess. That's the only sense I could make of
16 it, you know.

17 Q. So you --

18 A. We don't converse --

19 Q. Okay.

20 A. -- you know, outside of the office,

21 that's for sure.

22 Q. Okay. So to your recollection, you

23 remember receiving two text messages from her

24 total?

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1 A. Oh, yeah. And never regarding anybody
2 else in the office at all. Only strict -- you
3 know, like I said, the one was like a traffic,
4 which I think was a mis-send, and the other one
5 was when she first started, just trying to be
6 nice to everybody, like, hey, I work at this
7 place, you know, come out here. I'm like, you
8 crazy, you think I'm driving to wherever it is
9 she's from. I live where I sort of go out, you
10 know, I just walk there. So I don't --

11 Q. Well, that's probably a good idea.

12 A. Right. It's kind of why I live there,
13 you know. My buddy -- if I want to go to a bar,
14 it's usually the bar that my buddy owns, so
15 that's good enough.

16 Q. Okay. Because it's been alleged that on
17 September 10th -- this is the night where she
18 went out with Tony Gutierrez and they had the

19 pizza at the apartment and all that.

20 A. Oh, yeah.

21 Q. You remember that?

22 A. Well, I don't -- I mean, I've read about

23 it, you know, and recall some of the rumors, you

24 know, that spread around from then, you know, I

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1 suppose.

2 Q. Allegedly she and you worked late. You

3 two are the latest --

4 A. I'm there, yeah. I've always been there

5 until 5:30. She's not there until 5:30. She's

6 there until 4:00.

7 Q. Do you recall maybe when she was -- when

8 she was hired initially she stayed until 5:30?

9 A. I suppose.

10 Q. You don't -- if you don't remember --

11 A. Yeah, I guess she did. She would walk

12 out at the same time as James and I some of the

13 times. Sure. Sure.

14 Q. And she has stated to us that on the day

15 of -- the afternoon of September 11th [sic],

16 2007, she agreed to go out with -- to drinks

17 with Tony and, in feeling uncomfortable about

18 that, she e-mailed you and said, come out with

19 us.

20 A. Not me. Like I said, I never got an

21 e-mail or -- she -- I thought she did that to

22 James.

23 Q. Okay.

24 A. Maybe. She wouldn't contact me.

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1 Q. And then apparently you popped your head
2 out of an office -- or you went to her and said,
3 you know, you should really be careful going out
4 with him. Do you remember that?

5 A. No. No idea. In fact, I didn't say
6 that. I would -- I would be willing to say
7 that -- I don't -- I'd have to -- I mean,
8 she'd -- I would have to really try -- I mean, I
9 suppose it's possible that I would have said
10 that, but I don't think so, because I certainly
11 wouldn't -- you know, I -- it's none of my
12 business, you know. They can do what they want.
13 I don't care. I don't want to -- anything to do
14 with them outside -- once the sort of bell rings
15 and it's time for me to go home --

16 MS. PFEIFFER: Excuse me. Somebody
17 keeps looking in here.

18 (Pause in proceedings.)

19 A. But, yeah, if you were to say, do I
20 remember saying that, I'd say no. Peeping my
21 head around a cube, is that what you said?

22 Q. Something.

23 A. I don't remember that.

24 Q. Okay. Now, do you recall either through

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1 rumor or through Cindy hearing about what
2 happened after September 10th, 2007?

3 A. Yeah, just vaguely remember hearing that
4 they had -- she had gone over there, and that
5 over there was where Marc and Tony and I guess
6 Leo -- I didn't know Leo lived there -- but
7 where they had lived out in whatever it is,
8 Dublin or Tuttle or whatever, she had gone out
9 there. I had no idea she had stayed. I had no
10 idea that anything had ever happened. And this
11 is, like, eight months ago or however long it
12 is. I just heard that she had gone out -- I
13 figured she had done it before with Tony. It
14 seemed like they were pals, you know.

15 Q. Okay.

16 A. So sort of cut from the same thread, you
17 know.

18 Q. So --

19 A. Their personalities seemed to sort of be
20 similar, I guess.

21 Q. Both Vanessa and Cindy have alleged that
22 they were harassed in the workplace by Tony,
23 which involved comments about -- you know,
24 sexually inappropriate comments, anything like

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1 that.

2 A. Sure.

3 Q. And comments about their body parts,

4 comments about their weight, things like that.

5 Do you remember -- did you ever see any of that?

6 A. No. I had heard that when he hired

7 Cindy, he had made a comment that -- and this

8 is -- I didn't hear this -- I had heard it. So

9 I never heard him -- he's got a bad mouth, you

10 know what I mean? He does -- he's not very

11 conducive, both volume and vulgar-wise, to this

12 type of work environment. Construction, you can

13 see where he came from, that makes sense, you

14 know.

15 Now, did I ever hear him say anything to

16 either one of those two girls or any other sort

17 of girls sort of pseudo rude? I know he

18 claimed -- I wasn't here for this, but he did

19 tell Mariellen, only speak when spoken to or
20 shut up or something. Initially, Mariellen went
21 to HR about that. I thought that was pretty
22 tremendously rude. Could I see him doing that?
23 Sure. But did I? No.
24 But what I had heard that he had said

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1 about Cindy when he -- he was like, you got

2 hired for you --

3 Q. You might want to slow down. She's

4 taking everything you're saying down.

5 A. I'm sorry. I didn't hear him say this.

6 You have to make that clear. So this is all

7 innuendo. This all can be he said/she said, who

8 knows. Apparently he said, you got hired not

9 for your resume but for your assets or something

10 like that. By that, you can take it into

11 meaning whatever, I'm not sure.

12 But, you know, obviously she -- I think

13 her dad works in the building; so, therefore,

14 you know, like any job with the State, you

15 usually got to know somebody to get in there.

16 Maybe it was just as simple an incident as that.

17 Q. You heard this from somebody else?

18 A. Yeah. I think he said it, you know.

19 Let's face it, he's not subtle.

20 Q. Well, okay. Let's talk about these not

21 subtle -- we've heard a lot of people say that

22 he is vulgar.

23 A. True.

24 Q. Does he use the F bomb a lot?

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1 A. Yeah.

2 Q. Have you ever heard him refer to his

3 wife or other females --

4 A. No, I've never heard any of these

5 so-called battles with his wife on the phone.

6 But I -- do I believe they happened? I'm sure.

7 How could they not? I mean --

8 Q. Did you ever have any run-ins with him?

9 A. Nope. No. He -- and I'll tell you, he

10 was getting better. Oddly enough, the timing of

11 all this is terribly -- because I think him and

12 James had sort of a falling out, and James is

13 just the nicest guy in the world, that ticked me

14 off, because I didn't like the way he was

15 treating him. But you know what? He's the

16 boss. James is late, he comes -- doesn't come

17 in, you know, if he's missing a lot of time, he

18 has a right to sort of lean on him, you know, or

19 whatever he was doing, you know, causing James a
20 bit of stress, to put it that way. But any
21 run-ins with me, no. I never really worked with
22 him. I kept my distance. That's what's even
23 nice. Even in the old administration with
24 Mr. Levitt running it, Robert Smedlund and those

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1 guys, Pete and I have our own sort of section.

2 Q. Did you and Tony ever go out for drinks?

3 A. No.

4 Q. Did he ever ask you out?

5 A. No.

6 Q. Did you socialize with anyone in the
7 office?

8 A. James, every now and again. The one
9 time they had a guy at happy hour, probably
10 around that -- because it was really late, it
11 was right when she started, and I went to, I
12 believe it was, Club 185, I was only there for,
13 like an hour. I went there to get a burger.
14 Everybody else was drinking.

15 I'm not really into the whole hanging
16 out with -- other than James, I guess I hang out
17 with him. It was too much, you know. I just
18 don't like the sort of gossip, you know, sort of

19 high-schooly.

20 It is like that anywhere you go. I

21 worked for Franklin County Engineers, and I can

22 remember, you know, these old sort of grizzled

23 maintenance men, the minute the boss would walk

24 away, I couldn't believe it, they would start

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1 running their mouth, talking bad. It happens,
2 every type of work environment.

3 I don't really like to fraternize --
4 I've known Erika for a few years. Probably went
5 out with her a couple years ago every now and
6 then. She's a fun, nice girl.

7 Q. How about Cindy?

8 A. No. She was there that one day, though,
9 but that was -- like I said, I was probably the
10 first one to leave there, you know.

11 Q. Club 185?

12 A. Yeah. That was -- it was just a real
13 innocent -- I even think Charlie -- most
14 everybody, people from business counsel, all
15 kinds of people.

16 Q. How about Vanessa?

17 A. Was she there? I think this was before
18 she was hired.

19 Q. Did you ever --

20 A. No.

21 Q. -- meet out with her socially at all?

22 A. Huh-uh.

23 Q. Okay. Now, Vanessa was hired end of

24 November of 2007. Do you remember seeing her in

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1 the office prior to her being hired?

2 A. Nope.

3 Q. Now, Vanessa was transferred --

4 A. Right.

5 Q. -- end of January of 2008, a couple

6 months ago. Do you remember hearing any reasons

7 for why she was being transferred?

8 A. Yes. Yes.

9 Q. Okay.

10 A. I guess it's like the new, along with

11 this -- with technology or whatever, you get

12 these -- this is the way I try to explain it.

13 This is what I heard. Again, I don't know if

14 this is legitimate. Obviously, you're just

15 taking what I think is true or whatever I heard

16 or whatever. But you get those e-mails or -- I

17 guess you get them on text messaging sometimes,

18 but forward to 10 people and you'll have good

19 luck, you know, or whatever, this message, you
20 know, forward to 10 people and you'll -- you
21 know, whatever. Well, this one was of sexual
22 orientation. Apparently, Vanessa had forwarded
23 it to everyone in her phone. Well, Tony
24 Gutierrez was one of those people. His wife

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1 opens his phone, and it's a very racy text. She
2 probably doesn't understand the sort of
3 technology, that it's not really from her. She
4 just did -- you know, people just -- they
5 don't -- it's so dumb, you know. You guys
6 probably get those bulk e-mails on occasion.
7 Maybe, maybe not. Usually it's from a friend of
8 yours that just does it. Almost like -- it's
9 like a chain mail type of thing. Very -- I
10 don't know. I never open it up, you know,
11 because it also says, if you don't open this up,
12 you'll have bad luck or whatever. I never do
13 it, you know. It's dumb. Occasionally, I get
14 it in my regular sort of e-mail, but I get it at
15 work sometimes, too.

16 Q. So you heard she sent that to him?

17 A. Right. And Tony's wife opens it up,
18 very PO'd. And then I heard that she went to

19 Marc Dann's wife, said, hey, what's going on
20 with this, look at this, you know, type thing.
21 Not really quite understanding it's not really
22 her typing this out, saying, you know -- this is
23 my guess, you know. Maybe -- maybe she didn't
24 care. Maybe she knew all about those type of

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1 bulk e-mails and was like, no, that's no good.
2 But I heard that she was -- Mrs. Dann was very
3 upset about it, and they had -- you know, they
4 had them -- I figured they were -- you know,
5 when it happened, I figured they were breaking
6 them up because they didn't do anything up
7 there, you know. The two of them just kind of
8 sat by each other, you know.

9 What happened, when James and I sat by
10 each other in the old administration, they broke
11 us up. It was probably smart. We were blabbing
12 too much about basketball or whatever.

13 Q. Did you hear she was transferred because
14 of that particular text message?

15 A. Yeah.

16 Q. Who told -- who did you hear that from,
17 if you remember?

18 A. Her.

19 Q. Vanessa?

20 A. Uh-huh.

21 Q. When did she tell you this?

22 A. Probably a month ago.

23 Q. Okay. Did you hear anything prior to

24 the month ago?

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1 A. No. I --

2 Q. Did Tony -- did you hear from Tony

3 whether -- why she was transferred?

4 A. No.

5 Q. Did you --

6 A. Like I said, up until that, like, month

7 ago, when I did talk to her about it -- because,

8 remember, right away, who hooked up her phone

9 line when she moved to IT? This was a person in

10 our department for a while, so you can't help

11 sort of smalltalk. I don't think she told me

12 right away, but eventually she did, you know.

13 She said -- she said she thought -- I don't

14 think she even knew really why she was moved to

15 IT. Obviously, it's not really her background,

16 so to speak, so that kind of begs into the

17 question of why, but --

18 Q. Let me ask you this: Did you see

19 Vanessa and/or Cindy joking with Tony in the
20 office?

21 A. I'm sure. I mean, anybody would. He
22 was a likeable guy, you know. He just kind
23 of -- he's just not very politically correct,
24 you know. He's just like -- I'm sure they joked

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1 around at any specific moment. If it was him
2 and Charlie in there, it wouldn't be something,
3 hmm, I'm going to remember this, you know.

4 Q. He had a birthday in December of 2007.
5 It's my understanding that Cindy kind of
6 coordinated that birthday party. Do you
7 remember that?

8 A. Huh-uh.

9 Q. Okay.

10 A. I remember Cindy asking people, I think,
11 for \$10. Huh-uh, I'm not giving any, sorry,
12 he's not buying me a gift. I don't care if he's
13 my boss. That's lame, I know, but 10 bucks is a
14 little steep. Maybe two, three, four, I could
15 handle that.

16 Q. So you didn't contribute?

17 A. No, I did not. That guy's got enough
18 money. Apparently, Cindy did. It took me four

19 years to make what Cindy makes. So that's
20 pretty -- not that I knew that ahead of time.
21 Sorry to throw that in there. But that begs the
22 question, as well, you know.
23 Q. I'm sure that you've read in the
24 paper -- have you been following this in the

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1 paper at all?

2 A. Yeah, vaguely.

3 Q. Okay.

4 A. I mean, I didn't know about it until I

5 came in that Monday they were like, guess what.

6 Because we had known -- and I'll tell you

7 honestly, we knew something was going to happen.

8 And I had to believe that something was going to

9 happen even higher up. Because these guys,

10 they're -- they just -- I don't know, they're

11 just -- they -- I don't want to get into what I

12 think of everybody involved here. They just --

13 I don't know.

14 Anyway, go ahead. I'm sorry.

15 Q. Well, you said that you knew something

16 was going to happen.

17 A. Yeah. How could it not?

18 Q. Tell me why.

19 A. These guys are very brazen, you know.

20 Tony, you can't hit on girls that are -- that

21 you work with. You can't hire them for false

22 pretenses, you know. I mean, think, you know,

23 dude. First of all, you're married, you know.

24 Like, what? And I just think there's something

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1 different in the water in Youngstown. I really
2 do. I think all those guys just don't care, you
3 know. I don't know.

4 Q. Did you ever hear Tony talk about any
5 kind of mob ties that he had?

6 A. No.

7 Q. Family members that were allegedly in
8 the mob?

9 A. No.

10 Q. Did you ever hear him say things like,
11 you know, you don't mess with my crew, I got
12 this crew, we get things done, that kind of
13 stuff?

14 A. I guess you could say I heard him kind
15 of talk tough, but never in that regard, though.

16 Q. Did he ever talk about any kind of close
17 friendship he had with the Attorney General?

18 A. No. I would -- I just knew they were

19 real tight. Even, like -- I couldn't tell their
20 kids apart. He had his kids down there, and I
21 didn't know which one was Marc's kid and which
22 one was Tony's kid, you know.

23 Q. There was a situation where there were
24 Marc Dann's children and Tony's children were --

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1 A. I assume they were all pals, yeah.
2 Don't they live by each other? I just didn't
3 know who was who, really. I mean, I just
4 remember one time being like, oh, Tony's boy?
5 He's like, no, that's Marc's. I was like, oh.
6 That's all. I mean, I don't know. I don't know
7 any of them.

8 Q. Okay. When did this happen that -- was
9 Tony supervising Marc Dann's children?

10 A. I doubt he was supervising. I'm sure he
11 just came down to say hi or whatever.

12 Q. I'm assuming these are little children.

13 A. No. Some of them are -- one of them was
14 pretty old. Kind of looks like Marc. Pretty
15 big kid.

16 Q. Oh, okay. But he was walking around
17 with Tony?

18 A. I don't know if he was with him. I

19 think he just came down to say hi, something
20 like that. And then Tony would have his kids in
21 there on occasion, just like anybody does.
22 Charlie has his little baby in there, and a few
23 other people, I've met their families for a
24 minute.

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1 Q. Do you know -- we've had some people
2 tell us that perhaps Tony kept a gun in his
3 State-issued vehicle.

4 A. I have no idea. And I drove his car. I
5 drove it to BCI once -- maybe twice. But not
6 that means I would look through his, you know,
7 stuff. Believe me, that's the last thing I
8 would do is ruffle through somebody's State car
9 or whatever. No, never mentioned anything to me
10 about a gun. I never knew anything about a gun.
11 Huh-uh.

12 Q. Well, I think I was asking you before,
13 you know, I know that you've probably seen some
14 of the news media. And this all kind of started
15 last month.

16 A. Sure.

17 Q. March. Were you surprised that this --
18 what the allegations were, what the two women

19 and the media were saying?

20 A. Yeah, I suppose a little bit. But, you

21 know --

22 Q. You, having a bird's eye view.

23 A. Sure. A little surprised, I guess. I

24 mean, I don't -- I wouldn't say that I was

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1 shocked that only Tony -- I mean, I figured
2 somebody would -- I mean, I figured somebody
3 had -- probably already had and would do
4 something about it. I don't mean -- I don't
5 know of any specific instance, other than the
6 time he sort of gave Mariellen a little bit of
7 grief by sort of, like, snapping at her. But,
8 you know, that the possibility was there, you
9 know. You knew that -- we thought something
10 would happen, put it that way.

11 Was I surprised that it came from Cindy
12 and Vanessa and that it was these claims? Yeah.
13 But, I mean, I would have been surprised if it
14 would have been you and Mr. Espy making the
15 claims, you know. I mean, it's really not --

16 Q. Let me ask you this: Did you ever have
17 a conversation with Cindy where she expressed to
18 you that she was uncomfortable with Tony or what

19 was going on in the workplace?

20 A. I would say, not really. I think she

21 was annoyed and perturbed with him, various

22 times you could kind of tell. But never did she

23 express to me, boy, he's really overbearing or

24 oh, he's yada, yada, yada. But she wouldn't

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1 confide in me.

2 Q. What would she say? Was there a
3 specific incident that upset her or a general
4 attitude that was upsetting her?

5 A. I never saw him mistreat her. I never
6 saw him improperly act toward Cindy, really,
7 other than, you know, hearing about that thing
8 when she was hired, that sort of backhanded
9 comment. But that might not have even been
10 said, for all I know. That was just something
11 we had heard.

12 Q. I'm just trying to focus on --

13 A. Did he google at her? I'm sure, where
14 she's very specific about undressing with his
15 eyes. Yeah, I could see that. But anything
16 verbal, like him mis -- I do want to make it
17 clear, like, I never heard him say anything or
18 act any way -- and I was around right there a

19 lot. Granted, I'm in an office, so I might not
20 obviously have seen anything, gone, moving
21 around, different buildings. But from when I
22 was there and they were there, I didn't see him
23 mistreat either girl.

24 Q. Did she confide in you at any point in

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1 time that she was dissatisfied with something he
2 was doing to her?

3 A. No.

4 Q. How about Vanessa, did she ever confide
5 in you?

6 A. Just the one time that I asked her
7 about, you know, hey, why did you get moved over
8 here, you know, what's going on? And she had
9 said, well, I sent this text message. And then
10 when -- this is, you know, a month ago or so. I
11 think it was pretty close to right before all
12 this came out, when she sort of said,
13 something's gonna happen. She wouldn't tell me
14 any more. I'm like, what are you talking about,
15 something's gonna happen, you know? So I had to
16 assume that they were going after Tony, so to
17 speak, or whatnot. But I didn't know. And then
18 a week later or whatever, two weeks later, I

19 came in and that Monday and I heard about it.

20 But confiding, no.

21 Q. Have you ever met Tony's wife?

22 A. I don't think so.

23 Q. Have you ever met Marc Dann's wife?

24 A. Right. Christmas.

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1 Q. Okay.

2 A. The one instance where my name's

3 mentioned in all this is -- and I've got to

4 admit, it was weird.

5 Q. Okay.

6 A. It was one of the -- I'll tell you the

7 story, but it was one of those stories where I

8 noticed it, but Pete Mash, who was right there,

9 was completely oblivious to it. So if you look

10 at it kind of like maybe it was totally nothing,

11 maybe it was. But he had mug, it was the day

12 before Christmas, I guess he was giving out

13 these little cups of chocolate for everybody

14 that was working that day. And we were

15 legitimately trying to figure out this new video

16 conferencing system on --

17 MR. ESPY: Who is he? When you said he.

18 THE WITNESS: Mr. Dann.

19 A. Only -- when I say that, maybe other
20 people were doing it, too, but we were on that
21 floor.

22 Q. You were on 17?

23 A. Yeah. He saw us in the press room,
24 right across from the, you know, glass -- main

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1 sort of entrance. And we were working on this
2 giant, you know, expensive video deal. And it
3 was the three of us, Pete -- I think it was me,
4 Pete, Cindy. And he had walked in, and he
5 had -- with his wife -- two of the cups of
6 chocolate. And he said, okay, you know, what's
7 your name? Hi, my name's Andy Miller, nice to
8 meet you, ma'am. My name's Pete Mash. And they
9 said, we'll be back.

10 When they come back around to give Cindy
11 the other one, because they just gave us two,
12 and they only had two on them, so there's a box
13 across the way. So he does come back around,
14 but it's her who comes in and hands Cindy the
15 box of -- excuse me, the cup, like a coffee mug
16 full of chocolate. And she says, what's your
17 name? She says, Cindy. And she says, Cindy
18 what? She goes, Stankoski. And she hands the

19 thing and just goes, hmm. Doesn't say anything.

20 It was very sort of catty, you know. It was one

21 of those things where Pete's sitting there, you

22 know, he didn't notice it at all, you know. To

23 me, it was a little strange.

24 Q. Okay.

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1 A. It was one of those things where I
2 actually, when we were in Pete's office, and I
3 said, did you think anything was weird about
4 that? And he said, what are you talking about?
5 He says, well, I guess so. So, again, you know,
6 you look at it like sort of -- it could be me
7 just thinking, boy, that was a little weird, or
8 it could be --

9 Q. Well, we're interested in, you saw it,
10 so we're interested in what you thought.

11 A. I'm just telling you what I thought. It
12 was a little strange, because she didn't say,
13 nice to meet you or merry Christmas. She just
14 goes, huh, and handed it to her. It was weird.

15 Q. And did she just walk away?

16 A. They both left.

17 Q. Was Marc Dann in the there, as well?

18 A. Yeah. She was sort of in the back of

19 the room. It was almost as if she says, stay

20 here, I'm going to hand this to her type thing.

21 Q. Okay. Because he was far away from her?

22 A. Couple -- you know, 10 feet. Sort of

23 like we would be sitting in this corner, and he

24 sort of stood at the edge of the door here. You

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1 know what I mean? Just standing in the room,
2 but not like -- didn't walk up and hand it to
3 her. She did, basically. I don't know. I
4 didn't think it was overly weird. I thought it
5 was a little strange. It seemed like she knew
6 Cindy. You know what I mean? She was wondering
7 who she was. You know what I mean?

8 Q. Did you see Marc Dann react to this?

9 A. No. He didn't pay any attention.

10 Q. Did they just walk out and leave then?

11 A. Yeah.

12 Q. Did Cindy say anything?

13 A. Huh-uh.

14 Q. Okay. It wasn't until you and Pete got
15 together alone and you said, hey, did you see
16 that?

17 A. Pete was kind of like, I guess, you
18 know. So, again, it -- very sort of -- not a

19 big -- you know.

20 Q. Did you say anything to Cindy?

21 A. I probably said, did you think that was

22 weird or something? And she was like, yeah.

23 That was probably the extent of it, you know.

24 Because I -- I thought it was.

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1 Q. Did you talk to Tony about that?

2 A. I don't believe so.

3 Q. Have you ever had any conversations with
4 Tony Gutierrez about Cindy Stankoski or Vanessa?

5 A. Yes.

6 Q. Okay.

7 A. I had come in to Tony's office probably
8 three, four weeks ago, and I said -- and told
9 him, you know, like -- about an argument that
10 Cindy and I had. Because he seemed really
11 stressed out, and I didn't know what was going
12 on. And, like, the argument that Cindy and I
13 had, it happened a while ago, but I was telling
14 him, I said, I was real close to going to HR to
15 complain. But the reason that I didn't was
16 because I thought that somehow it would get
17 turned around, like I did something bad. I
18 just -- and in a war of words with her, I did

19 not see me coming out on top. Even though, in
20 my heart of hearts, and in my mind, I was a
21 hundred percent the victim, 100 percent nice,
22 was trying to do work, was trying to get work
23 done, I still did it. And I sort of told him, I
24 said -- and so I went in and I explained to Tony

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1 about it. Because I could sense a little

2 tension.

3 And I said, look, if you want me to go

4 up there, do you think I should -- not if you

5 want me -- I asked him, do you think I should go

6 up there and file a complaint, you know, about

7 her? And he was like, well, you know, if you do

8 what you think is -- you know, he said -- giving

9 me the typical boss speak, you know, you do what

10 you think is right, what you think is.

11 And I really thought about it, and I

12 didn't really follow through with it, just

13 because it's kind of like one of those things

14 where you play -- you know, the basketball or

15 soccer or something, and the ref ticks you off,

16 when the game's over, it's just easier -- what

17 are you going to do, go complain to the ref?

18 The game's over. Let it go. It's water under

19 the bridge, so to speak.

20 Q. What were you guys fighting about?

21 A. I mean, I can tell you the story. But

22 it was just more or less about going up and

23 working on the video conference. She was

24 very -- sort of snapped over nothing. And then

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1 it was very sort of rude. She's very -- she can
2 be mean. And I just didn't -- I thought that
3 she crossed the line tenfold with some of the
4 comments that she made. That's why I thought
5 about going up there.

6 Q. Were they --

7 A. All I was trying to do was help teach
8 her how to do this, you know. It was like she
9 made me feel like I was, you know, being a jerk
10 or something. I was just like, this is wrong.

11 Q. Did she cuss at you?

12 A. Uh-huh.

13 Q. Did you find her to cuss in the
14 workplace a lot?

15 A. I suppose. I wouldn't say a lot, but
16 more than your average 25-year-old woman that
17 works in an office, I suppose, or man, I guess.
18 Not as much as Tony, but -- you know, that's for

19 sure. But, I don't know, I guess she cussed a

20 little.

21 Q. Okay.

22 MS. PFEIFFER: I don't know if I have

23 anything else.

24 MR. ESPY: Okay.

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1 EXAMINATION

2 BY MR. ESPY:

3 Q. You said in a war of words with Cindy

4 you would not come out on top.

5 A. I did not believe so, no.

6 Q. Is that -- is that -- you're talking

7 about in a situation involving Tony?

8 A. No. This was -- had to do with --

9 Q. I'm saying if you and Cindy had to --

10 had an argument, you both went to Tony with the

11 problem, did you feel you could not win that

12 argument with her?

13 A. I didn't think I could win any argument

14 with her, whether it be Tony or going to -- I

15 was going to go to HR.

16 Q. Why is that?

17 A. I just -- I think it would be spun where

18 like I'm part of -- like sort of a bad guy-type

19 thing. You know what I mean? Because I am sort
20 of -- I can be loud in some people's eyes,
21 obnoxious of some sort and whatnot. So when you
22 have a girl that's saying, well, that's not at
23 all what happened, you know, like -- or
24 something like that, it's not -- you know, it's

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1 going to reflect -- I just don't think they
2 would believe -- I think they may believe me;
3 but chances are, they would look at it like, you
4 know, 50/50 deal. When, to me, that's wrong.
5 It was 100 percent, you know. I was literally
6 trying to get her to go to the 17th floor to
7 learn something with me, and, you know, she just
8 went bonkers, you know.

9 Q. Do you know what a CAD system is?

10 A. Huh-uh.

11 Q. On a computer?

12 A. Huh-uh. CAD system?

13 Q. Yeah.

14 A. Not offhand.

15 Q. Do you use a computer in your job very
16 much?

17 A. Oh, yeah.

18 Q. Is there a program in your computer that

19 works with the blueprints?

20 A. Not on mine.

21 Q. On anyone's computer you know of?

22 A. Oh, I'm sure, yeah. James does a lot of

23 blueprint stuff. I'm sure Pete and Charlie and

24 Tony and all those guys have that ability.

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1 Q. You think James Ford?

2 A. Yeah.

3 Q. Does Pete have it on his computer?

4 A. I mean, I don't know. I don't know what
5 all the programs they have.

6 Q. Whose computer do you know has the
7 system that works the blueprints that you know
8 of?

9 A. I would guess James, but --

10 Q. Definitely not yours.

11 A. No. Unless it's on there and I don't
12 know it. I've never done any blueprint work on
13 my computer, you know.

14 Q. You say you took two cars out to BCI?

15 A. Yeah.

16 Q. What was that for?

17 A. I drove Tony's one time out there to
18 have the mechanics look at it. I don't know

19 what they did. I think they just drove it

20 around and said it was fine.

21 Q. Did you ever take a car up there to have

22 repairs done?

23 A. Well, that was what I was --

24 Q. Body work?

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1 A. No, I don't think so. No.

2 Q. Were you one of the ones that went to

3 Cincinnati?

4 A. No.

5 Q. Who was that who went to Cincinnati?

6 A. To be honest with you, I really don't --

7 I don't know. I'd say -- I remember Lindsay,

8 one of our interns went, and I believe Cindy

9 went, and I believe Tony went.

10 But those are the only ones I'm for sure

11 of that particular trip -- oh, maybe Dustin, the

12 old intern. He probably went, because they

13 probably had all the interns go.

14 Q. Okay.

15 A. Other than that, I don't know.

16 MR. ESPY: Well, if there's anything

17 else, Mr. Miller, you want to tell us about

18 after you leave here today, feel free to contact

19 either me or Julie about your information.

20 Okay?

21 THE WITNESS: Okay.

22 MR. ESPY: I appreciate you coming in.

23 THE WITNESS: No problem. Thank you.

24 MS. PFEIFFER: Thank you.

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APRIL 21, 2008

1 THE WITNESS: Good luck with everything.

2 MR. ESPY: Take care.

3 --0--

4 Thereupon, the sworn interview of Andy

5 Miller, April 21, 2008, was concluded at 1:52

6 p.m.

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APRIL 21, 2008

1 CERTIFICATE

2 STATE OF OHIO :

SS:

3 COUNTY OF FRANKLIN :

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

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

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

18

19

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

20

Notary Public, State of Ohio.

21 My commission expires: March 10, 2013

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