

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 MARIELLEN ARANDA

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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 17, 2008, at 9:04 a.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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1 INDEX OF EXAMINATION

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BY MR. ESPY: 52

4 INDEX OF EXHIBITS

5 EXHIBIT DESCRIPTION PAGE

6 1 Six pages, copies of text 14  
messages

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8 11 Handwritten notes of 58  
Bostos-Demers

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1 MR. ESPY: Ms. Aranda, my name's Ben  
2 Espy. I'm the executive assistant to the  
3 Attorney General; and this is Julie Pfeiffer,  
4 she's a senior attorney at the employment  
5 section.

6 We would like to ask you a few questions  
7 regarding some allegations of sexual harassment  
8 against one Anthony Gutierrez.

9 THE WITNESS: Okay.

10 MR. ESPY: And we cannot assure to you  
11 that this -- your statements will be  
12 confidential, because some of these statements  
13 may become public.

14 THE WITNESS: Understood.

15 MR. ESPY: And we're having all the  
16 testimony under oath this morning.

17 And if you have any questions, you can  
18 ask us now.

19 THE WITNESS: Okay.

20 MR. ESPY: And if you don't have any

21 questions, we'll have you raise your right hand

22 and be sworn in.

23

24

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1 MARIELLEN ARANDA

2 being first duly sworn, as hereinafter

3 certified, says as follows:

4 EXAMINATION

5 BY MS. PFEIFFER:

6 Q. Mariellen, when did you become employed

7 with the Attorney General's office?

8 A. 10-4-04.

9 Q. Okay. And what were you hired as?

10 A. I was hired as a general services

11 assistant. I was the payment card administrator

12 and afternoon receptionist for the Attorney

13 General up on the 17th floor.

14 MR. ESPY: Would you keep your voice up

15 a little bit so she can hear you.

16 THE WITNESS: Sorry. I'm a quiet

17 person.

18 MR. ESPY: I understand.

19 BY MS. PFEIFFER:

20 Q. Okay. And was that during the previous

21 administration with Attorney General Petro?

22 A. It was, yes.

23 Q. Okay. Did you receive any job transfers

24 or promotions during the Petro administration?

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1 A. No, I did not.

2 Q. So I believe that the Dann  
3 administration took office approximately January  
4 of '07. Would you agree?

5 A. Yes.

6 Q. And who was your direct supervisor under  
7 the Dann administration?

8 A. Pete Mash. Well, there was -- when  
9 Mr. Dann took over, there was the director of  
10 general services position was not filled  
11 immediately, so our -- so Charlie Rosol was our  
12 supervisor.

13 Q. Okay.

14 A. But then I was hired into a position in  
15 the telecommunications section, and Pete Mash  
16 was my supervisor.

17 Q. When did that happen?

18 A. A couple months after the administration

19 change. I don't know the exact date.

20 Q. You became a telecommunications

21 assistant?

22 A. Yes.

23 Q. Was that a raise or a transfer?

24 A. It was a dollar-an-hour raise.

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1 Q. Okay. And you said Pete Mash was then  
2 your direct supervisor?

3 A. Yes.

4 Q. Do you remember when Anthony Gutierrez  
5 became the director of general services?

6 A. Yes.

7 Q. Okay. Do you recall that as being  
8 around February --

9 A. Yes.

10 Q. -- of 2007?

11 A. Yes.

12 Q. Okay. Now, when he became director, did  
13 Pete Mash -- was Pete Mash still your direct  
14 supervisor?

15 A. Pete and Charlie, yes.

16 Q. Pete and Charlie?

17 A. Yeah. I mean, Charlie was -- I don't  
18 know that Pete is considered a supervisor

19 technically, but he was my -- the person I  
20 reported to once I took that other position.

21 Q. Okay.

22 A. But it was Pete and Charlie, both.

23 Q. And then Pete and Charlie reported  
24 directly to Anthony?

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1 A. Yes.

2 Q. Now, it's been told to us that on the  
3 evening of September 10th, 2007, that Cindy  
4 Stankoski began text messaging you; is that  
5 correct?

6 A. Yes.

7 Q. Before we get into that, do you know  
8 Cindy Stankoski?

9 A. I know her only through work. I met her  
10 when she was hired into the office. And because  
11 we were sitting right next to each other, and I  
12 was training her, we did become friends pretty  
13 quickly. And that's -- yeah. But I didn't know  
14 her prior to working -- prior to her hire.

15 Q. Okay. Did you socialize with her  
16 outside of work?

17 A. A couple of times, yes.

18 Q. When was that?

19 A. I don't know exact dates. But there was  
20 one instance that -- I was at her apartment  
21 once, we went there. She came down to Lancaster  
22 once. And then there was a general services  
23 kind of happy hour that we all went to once. So  
24 there was a little bit of outside.

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1 Q. Okay. When you went to her apartment,  
2 was that before September 10th or after?

3 A. I don't remember. I think -- I think  
4 before.

5 Q. Okay.

6 A. Before.

7 Q. Okay. And when she came to Lancaster,  
8 do you remember, was that before or after?

9 A. That was before, yeah.

10 Q. Okay.

11 Now, on September 10th, 2007, Cindy  
12 Stankoski, after work, went to have drinks with  
13 Tony Gutierrez.

14 A. Uh-huh.

15 Q. Is that your understanding?

16 A. Yes.

17 Q. Did you know she was going to go before  
18 that?

19 A. No.

20 Q. Did she have any discussions with you

21 regarding Tony Gutierrez prior to September

22 10th?

23 A. Yes.

24 Q. Okay.

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1 A. Yes, there were quite a few comments,  
2 and he consistently wanted her to have drinks  
3 with him. And there were quite a few sexual  
4 comments that were made towards her. It was  
5 just pretty consistent. And all the other girls  
6 in the office.

7 Q. Did you witness them?

8 A. I witnessed quite a few.

9 Q. Okay. And what would those be?

10 A. Oh, I can't think of specifics. It  
11 happened all the time. I can't think of  
12 specific instances.

13 Q. Well, I'll give you a minute, because I  
14 don't -- I don't know what you're considering  
15 sexual comments. That's why I think I would  
16 like you to tell me exactly what it is that you  
17 heard so that we can -- we know.

18 A. Okay.

19 (Pause in proceedings.)

20 A. I can't recall specific comments.

21 Q. But you believe that Tony Gutierrez

22 directed sexual comments at Cindy Stankoski?

23 A. Oh, yeah.

24 Q. But you can't remember any of them?

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1 A. I can't remember any specific ones. I  
2 remember one comment that was directed at an  
3 intern we had that was very inappropriate, I  
4 believe.

5 Q. Okay. And what was that one?

6 A. I'm trying to think of her name. She  
7 was an intern in general services. Lindsay  
8 Kates, was her name.

9 It was around lunchtime. I was standing  
10 in the kitchen on the 15th floor of the State  
11 Office Tower. And Tony was speaking with  
12 Lindsay, and it was a playful-type conversation.  
13 He was picking on her about something, but she  
14 kind of laughed and said, I'm -- okay, I'm going  
15 to go back to my private place now, meaning her  
16 cubicle, that's how I took it. He said, oh,  
17 don't get me started on your private places.

18 Q. Okay. How did she react?

19 A. I think she just walked away. I don't  
20 think there was any specific -- and I know there  
21 was comments and continue -- he continually  
22 asked Erika Haske to come to his apartment, to  
23 go for drinks, to, you know, hook up with one of  
24 his construction company guys that he wanted to

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1 hook her up with. I mean, there was -- his -- I  
2 mean, there was quite a bit. I -- I feel bad  
3 that I don't remember any specific comments  
4 towards Cindy. I know at one point -- and I  
5 believe this was after the night we're speaking  
6 of -- that he wanted her to go to a casino and  
7 gave her a brochure and told her that -- to pick  
8 some dates and they'd go to this casino  
9 together.

10 Q. Who, her?

11 A. Tony and Cindy. Cindy. I'm sorry.

12 Q. And you witnessed this?

13 A. I witnessed her come out of his office  
14 with the brochure.

15 Q. Okay.

16 A. But -- and I witnessed them -- I mean, I  
17 could see them talking together. But that's  
18 what she told me he had said, and she had the

19 brochure in her hand when she walked out of

20 there.

21 Q. What did she say to you?

22 A. That he had asked her to go -- pick some

23 dates, and they would go to the casino together.

24 Q. Did she tell you --

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1 A. She laughed. I mean, she thought it  
2 was -- I mean, she was like, yeah, right. I  
3 mean, she -- yeah.

4 Q. Okay. Can you remember anything else  
5 about either Cindy that you saw, these sexual  
6 comments? I know you gave the one about Cindy  
7 Kates.

8 A. Lindsay Kates.

9 Q. Thank you. And him continuously asking  
10 Erika to come over to his apartment to have  
11 drinks with him. Anything else?

12 A. I know quite a few people on the 15th  
13 floor, the attorneys in the business counsel  
14 section, Lori Payne, Jessica Borgert, would ask  
15 me, why does he look at us like that? Does he  
16 have -- what's up with him? I mean, they were  
17 uncomfortable with him, and they would ask me,  
18 you know, what -- what was up with him.

19 Q. And that was basically based on the way

20 he looks at them?

21 A. Yes.

22 Q. Okay. Anything else?

23 A. Comment-wise?

24 Q. Anything.

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1 A. Anything?

2 Q. You said there was sexual comments and

3 Tony Gutierrez was sexually inappropriate or

4 something.

5 A. Yeah.

6 Q. Okay.

7 A. I mean, no comments that I can remember,

8 no.

9 Q. Now, on the night of September 10th,

10 2007, you got some text messages from Cindy.

11 Tell me about that.

12 A. It was about 9:00, I got the first text

13 message, and it said something about, girl, we

14 need to talk tomorrow solo, meaning alone. Love

15 you. And I send a text that said, are you okay?

16 And she responded that she was -- I mean, I have

17 the text messages here.

18 Q. Why don't you show me what you have --

19 A. Okay.

20 Q. -- and I'll let you see what we have so

21 far.

22 I'm going to hand you Exhibit 1. And I

23 notice that you pulled out your cell phone.

24 A. Yes.

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1 Q. I want you to take a look at Exhibit 1  
2 and look in your cell phone and tell me if we're  
3 missing any of the text messages that you have  
4 in your cell phone.

5 A. Okay.

6 (Pause in proceedings.)

7 A. You don't have this one. At 9:19, I  
8 received one that says -- do you want me to read  
9 it?

10 Q. Yes.

11 A. It says, girl, I'm trashed. Won't be  
12 there at 8:30.

13 Q. Okay.

14 (Pause in proceedings.)

15 A. And it doesn't appear you have this one  
16 that says, yeah, Boo, I'm in a weird spot.

17 And then the last one I received is just  
18 the word weird. Weird.

19 Q. And what time was that?

20 A. That was 10:36. And I lost

21 communication with her at that point.

22 Q. Okay.

23 A. I didn't -- I wasn't able to get through

24 to her, or -- I just didn't hear any more from

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1 her after that.

2 Q. Okay.

3 MS. PFEIFFER: Can we go off the record?

4 (Discussion held off the record.)

5 MS. PFEIFFER: We just had a

6 conversation off the record. I know that on the

7 record, Mariellen Aranda has identified three

8 more text messages sent to her by Cindy

9 Stankoski on September the 10th of 2007 that we

10 do not have as part of Exhibit 1. We have asked

11 Mariellen to be so kind as to e-mail all nine of

12 the text messages that she received that night

13 to my e-mail, JPfeiffer@AG.state.OH.US.

14 Is that correct, Mariellen?

15 THE WITNESS: Yes.

16 BY MS. PFEIFFER:

17 Q. Okay. What time, if you want to take a

18 look at those, did you receive the first

- 19 e-mail -- the first text message? I'm sorry.
- 20 A. Let me look here. But I believe it was
- 21 9:00 on the dot that I received the first one.
- 22 Yes, it was exactly 9:00 p.m. 9-10-07.
- 23 And the last one was received -- sorry -- at
- 24 10:36 p.m. 9-10-07.

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1 Q. Okay. If you take a look at documents  
2 that make up this Exhibit 1, when I look at it,  
3 it says from a number, [REDACTED]. Is that  
4 your number?

5 A. No, it's not. That was -- I sent these  
6 to Molly Taylor, who was my initial contact with  
7 HR, when I decided that I needed to go to HR  
8 with the issues that I was having working under  
9 Tony.

10 Q. Okay. So when I see the date of  
11 Thursday, October the 11th, 2007, is that the  
12 date that you forwarded these messages to Molly  
13 Taylor?

14 A. It looks like the day that she -- I was  
15 thinking October 10th.

16 Q. Okay.

17 A. I don't know why that says -- I don't  
18 know if that's when she received them, because I

19 forwarded them to her phone, and it appears that

20 she forwarded them to her e-mail.

21 Q. I see.

22 A. And it looks like she did that on

23 October 10th. But it was my understanding

24 that -- I mean October 11th. It was my

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1 understanding that I sent these to her October  
2 10th.

3 Q. I see. Okay.

4 If you could do me a favor, take a look  
5 through these and -- did you put these in order  
6 as to when you received them?

7 A. I did.

8 Q. What I'm going to do --

9 A. Let me make sure.

10 (Pause in proceedings.)

11 A. Okay. There's one missing right here.

12 Q. So would you say Number 3 is missing, if  
13 you start 1, 2 -- 3 is missing -- 4, 5, 6, 7?

14 A. Yeah. I went backwards, though. This  
15 is the first one.

16 Q. Okay. I'm going to hand you a pen. If  
17 you could put Number 1 at the bottom of each  
18 one, if that's your first text that you got, put

19 Number 1 there.

20 A. Okay.

21 (Pause in proceedings.)

22 A. Do you want me to mark this 6 since it

23 there's one in between?

24 Q. Yes.

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1 A. Then there's 8 and 9 are missing.

2 There's a total of nine. These are marked as I

3 received them.

4 Q. Right. One more thing, and then we can

5 move on.

6 A. Sure.

7 Q. If you could look on your cell phone, I

8 noticed that Number 5 and Number 8 and 9 text

9 messages are missing --

10 A. Yes.

11 Q. -- from our Exhibit 1.

12 A. Yes.

13 Q. Could you read for the record what

14 Number 5 e-mail says.

15 A. Text message?

16 Q. Yes.

17 A. Number 5 says, girl, I'm trashed. Won't

18 be there at 8:30.

19 Q. Okay. And Number 8?

20 A. Number 8 says, yeah, Boo, I'm in a weird

21 spot.

22 And Number 9 says, just -- it says,

23 weird. Only the word, weird.

24 Q. Okay. Thank you very much. I

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1 appreciate it.

2 Did you text her back?

3 A. I was texting her back. I don't have

4 those anymore. But I was mainly checking to see

5 if she was okay, and if she -- just if she was

6 okay.

7 Q. Did you ask her any questions about,

8 what's going on, are you being hurt, anything

9 like that?

10 A. That's -- that's what I was getting at

11 when I asked if, you know, she was okay and she

12 was safe. But she did -- I did lose

13 communication after these ones, and she did say

14 that she was okay but just in a weird spot.

15 Q. Okay. And I believe at some point she

16 asked you to come pick her up?

17 A. Yeah. Yeah.

18 Q. What did you do then?

19 A. I immediately got dressed, got my keys  
20 and started heading out to my car. It's just my  
21 personality. I mean, if a friend calls and  
22 they've been drinking and need your help, you go  
23 pick them up.  
24 I did call my dad, as I was walking out

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1 to my car, and I said, Dad, I just want to let  
2 you know, I'm heading up to pick up a friend of  
3 mine from the office who has been drinking and  
4 needs a ride. And I said, and she's at the  
5 Attorney General's apartment. He said,  
6 absolutely not. He said, you go back in your  
7 house, and do not get involved in this. He  
8 said, just -- this isn't something you can get  
9 involved in.

10 Q. Okay. So you went back in your house?

11 A. I did. I did.

12 Q. Did you ever speak to her on the phone?

13 A. I did. She called me and continued -- I  
14 don't remember the conversation much, and she  
15 was pretty -- she was impaired. I remember her  
16 calling me her cousin so Tony didn't know that  
17 it was me that she was talking to, because she  
18 didn't want him to get upset with her. And I

- 19 don't remember the specifics of the
- 20 conversation, but I know that I was like, are
- 21 you okay?
- 22 Q. What did she say?
- 23 A. She said she was okay.
- 24 Q. Do you remember -- was this just one

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1 phone call that night?

2 A. Yes. And then after that last text

3 message, that I believe was at 10:36, we said, I

4 lost communication with her. I didn't -- I

5 wasn't able to get through to her on the phone.

6 I wasn't able to get any text messages back. I

7 wasn't -- nothing. So I didn't -- you know, and

8 because my dad had told me not to go up there or

9 anything, I didn't.

10 Q. Okay.

11 A. I just --

12 Q. Do you recall when the phone call

13 between you and she occurred?

14 A. It was during the middle of all the

15 texting. Like I said, I lost communication

16 after that, but I don't recall the specific time

17 or at what period during those texts it was, I

18 don't remember that.

19 Q. Do you remember where she -- did she  
20 tell you where she was when you were talking to  
21 her on the phone?

22 A. At Marc's apartment.

23 Q. She was at --

24 A. Oh, yeah.

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1 Q. She was at the apartment.

2 Was she out smoking?

3 A. I think when she called me, she was out  
4 smoking.

5 Q. Did you hear anything in the background?

6 A. No. No, I didn't.

7 Q. Okay.

8 A. Because I think she had tried to -- I  
9 think she initially called me from in there and  
10 then went outside, but I did not hear anything.

11 Q. If you could recall as much as you can  
12 as specifically as possible, as you can, and  
13 don't speculate, just give me what your  
14 knowledge is, specifically what was her -- what  
15 did she say to you?

16 A. It's just like what I've said, that she  
17 was in a weird position, and she didn't  
18 necessarily know what to do. She didn't want to

19 be there. I know she -- she made that clear,  
20 that she was uncomfortable and didn't want to be  
21 there, but that she was safe. Because that's  
22 all I wanted to know, was that she was safe, she  
23 was okay.  
24 Q. Okay.

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1 A. And so --

2 Q. You said she was impaired. Was she  
3 slurring her speech?

4 A. Yeah. Yeah. She was clearly  
5 intoxicated.

6 Q. And you said she called you her cousin.

7 A. Yeah.

8 Q. Was she talking to someone else when she  
9 said --

10 A. No. She -- when I picked up the phone,  
11 she said, hey, Cuz, to -- so that Tony didn't  
12 think that she was talking to me, someone from  
13 the office, I think, so that it would appear as  
14 if she's talking with her cousin. So that --  
15 sorry.

16 Q. That's okay.

17 You live in Lancaster; is that correct?

18 A. I do, yes.

19 Q. So would that -- from Lancaster to  
20 Dublin, would that be, what, an hour's drive?

21 A. Yeah. Yeah, it was going to be quite a  
22 hike. And I was going to have to call a  
23 coworker, James Ford, who had been to the  
24 apartment, on my way up there, I was going to

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1 have to call him to get the directions,  
2 actually, to the apartment. But I was ready to  
3 do that.

4 Q. Answer this, if you can. Why do you  
5 think she called you, with you living in  
6 Lancaster, asking you to come pick her up?

7 A. I don't know. I don't know.

8 Q. Prior to this night, did she text  
9 message you when she was out?

10 A. Oh, yeah. Oh, yeah. We had spoken  
11 frequently and texted frequently.

12 Q. Okay. You text her when you're out?

13 A. Yeah. I didn't go out as much as she  
14 did; but, yes.

15 Q. Okay.

16 A. I mean, it was a -- we were  
17 communicating quite a bit at that point in time.

18 Q. And would these text messages be, hey,

19 whatcha doing, I'm here, how are you?

20 A. Yeah, just the normal.

21 Q. Okay. Tell me what you did when you

22 started getting these text messages, other than

23 what you've -- you testified that you talked to

24 her on the phone, and you tried to get in your

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1 car to go and your dad said no.

2 A. Yeah.

3 Q. What else did you do?

4 A. I was -- for lack of a better term, I

5 was freaking out. I didn't know how safe she

6 was. I didn't know -- I knew Tony's demeanor

7 and the way he was. I didn't think she was

8 safe, personally.

9 Q. Okay. Tell me why -- why didn't you

10 think she was safe?

11 A. Because he's not comfortable to be

12 around. I mean -- and I didn't -- he's just

13 not -- I've never been comfortable around him,

14 and I've never -- I mean, with the things that

15 have -- had gone on in the office before this, I

16 wasn't comfortable with her being there, having

17 had drinks.

18 Q. Okay. So you were saying that you were

19 freaking out.

20 A. Yeah. And I called Charlie Rosol and I

21 said, Charlie, I don't know what to do. This

22 was, I'm trying to think, before or after I

23 called my dad, because I didn't know office-wise

24 what to do. I mean, I --

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1 Q. What did he say?

2 A. He said, oh, my God. He said, you've  
3 got to be kidding me. This is bad. He said,  
4 tell her she needs to call a cab.

5 Q. Okay. Did you?

6 A. I wasn't able to get a hold of her after  
7 I talked to Charlie.

8 Q. Okay. So you talked to Charlie once  
9 after 10:35 or so?

10 A. Yeah.

11 Q. And he said, tell her to call a cab?

12 A. Yeah. Because I remember now that when  
13 I called him, it was after I lost communication  
14 with her, and I was really worried that  
15 something was going badly with her.

16 Q. Okay. What else did you do?

17 A. What else did I do?

18 Q. Did you call James Ford at all?

19 A. Yeah.

20 Q. Okay.

21 A. I did. I think, initially, because I  
22 wanted the directions there; but then I -- I  
23 don't know why else.

24 Q. Did you talk to James Ford on the phone?

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1 A. Yes.

2 Q. And what --

3 A. James was going to go get her. And then

4 after I had talked to my dad and said -- and he

5 was so adamant that we not -- that I not get

6 involved, I said, James, don't. What if they

7 get mad? What if -- and he was kind of like,

8 oh, I don't care. I don't care. We need to get

9 her outta there. She doesn't need to be there.

10 She's -- you know, something bad could happen.

11 So, yeah.

12 Q. Okay. So -- but you told him not to go?

13 A. I believe, yeah. Yes.

14 Q. Okay. You said before that James Ford

15 had been to his apartment.

16 A. Uh-huh.

17 Q. When was that?

18 A. I don't remember specifically, but it

19 was work related. It was taking a car or  
20 picking up a car or taking furniture over there  
21 or something. He had been there. I knew he had  
22 been there and he had known where he was going.

23 Q. Okay.

24 A. I also wanted to mention, and I forgot,

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1 I apologize for not mentioning this before, but

2 I -- I have made an entire statement to human

3 resources, to Stephanie.

4 Q. Yes.

5 A. Okay. I didn't know if you were aware

6 of that or had that.

7 Q. We have notes of a conversation you had

8 with Stephanie.

9 A. Okay.

10 Q. Did you ever make any written statements

11 or anything?

12 A. I did not. I had that conversation with

13 Stephanie, where I expressed major concerns that

14 I had, and concerns that I had for the office --

15 Q. Okay.

16 A. -- with -- with Tony -- involving Tony.

17 Q. Okay. Did you speak with Cindy

18 Stankoski about the September 10th incident the

19 next day or sometime thereafter?

20 A. Oh, yeah.

21 Q. Did she come into work the next day?

22 A. She did.

23 Q. When did she come in?

24 A. She came in -- I think she was there at

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1 8:30. I think she was there on time.

2 Q. Okay.

3 A. Because I know that he had told her that  
4 she could come in late.

5 Q. Did she tell you --

6 A. I think she told me that on the phone,  
7 that she was allowed to come in late because she  
8 was there with him that night.

9 Q. She told you that on the phone that  
10 night?

11 A. I believe, yeah. Because I knew that I  
12 knew that she was allowed to come in late  
13 because she was there that night.

14 But it turns out, that morning, when she  
15 came into work -- I started at 7:00; she started  
16 at 8:30 -- she came in and told me that she had  
17 spent the night there. And I had asked her if  
18 anything had happened, and she said no, but she

19 was very uncomfortable and very -- with the

20 whole situation. She was --

21 Q. Tell me how you knew she was

22 uncomfortable. She told you nothing happened.

23 A. Right.

24 Q. How do you know that she was

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1 uncomfortable?

2 A. Her -- just her whole -- her -- just the

3 whole way she was talking.

4 Q. And how was she talking?

5 A. Very uncomfortably. She was not at all

6 happy with the situation. She was disappointed

7 in herself, that she had let herself get into

8 the position she was in and had not made better

9 judgment about going there. She didn't -- she

10 was just very uncomfortable about the whole

11 situation.

12 Q. Did she say to you, oh, I shouldn't have

13 done that, I got too drunk?

14 A. She did.

15 Q. She said, I got too drunk, I shouldn't

16 have drank that much?

17 A. She said, I shouldn't have done that. I

18 don't remember her specifically saying that she

19 had gotten too drunk.

20 Q. Okay.

21 A. But she did say that she was drunk.

22 Q. Okay. Do you recall anything else that

23 she said?

24 A. She had spent the night there, and he

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1 brought her back to her car, which was still  
2 parked from where she had left it that night  
3 from work. So he brought her back early in the  
4 morning to her car, and she apparently went back  
5 to her apartment and then came into work.

6 Q. Okay. Is there -- what did you say to  
7 her?

8 A. I don't remember specifically.

9 Q. Okay. Did you guys have any other  
10 conversation about that night other than the  
11 next day?

12 A. I mean, there were -- not that were any  
13 different than her just regretting having even  
14 gotten into this situation.

15 Q. Okay.

16 A. Not specifically that I remember.

17 Q. I believe that you discussed a situation  
18 with Stephanie, too, regarding a trip that Cindy

19 had with Tony Gutierrez coming up from

20 Cincinnati. Do you remember that?

21 A. Oh, yeah.

22 Q. Okay.

23 A. Yeah. She was very uncomfortable about

24 having to go there.

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1 Q. Did she discuss anything with you prior  
2 to going to Cincinnati?

3 A. Yeah. He had called and left her some  
4 kind of text message about bringing some nice  
5 clothes, and they'll go to dinner someplace  
6 nice, the night before. And he had set it up so  
7 that they would be alone coming home. Because  
8 there were two interns that went down there, but  
9 he said he wanted her to stay for a meeting that  
10 he had, and he wanted Cindy to sit in on it with  
11 him. And so the -- the interns left, and he  
12 said, no, there wasn't any meeting, I just  
13 wanted to send them back so that we could ride  
14 home.

15 And apparently they looked for bars on  
16 his GPS that he has, and none of the bars that  
17 they found were actually still there or open,  
18 and they wound up coming back, and they stopped

19 at someplace in Grove City, Rackums, I believe.

20 She really wanted me to come there.

21 Q. Was she texting you that day?

22 A. She was texting me, and then I believe

23 she talked to me on the phone to try to get me

24 to come to Rackums.

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1 Q. Do you have those text messages?

2 A. No, I don't. The only ones I saved were

3 the ones -- the ones I've already shared, the

4 nine messages from the 10th.

5 Q. Okay. How does your -- is this the same

6 cell phone you've had since at least September

7 10th of '07?

8 A. Yes.

9 Q. How do your text messages work on there?

10 A. Well, I -- they get deleted after the

11 box gets full. It actually holds almost 300.

12 But I did lock those messages in there.

13 Q. You locked those in, okay. Because it's

14 my understanding that the Rackums trip -- the

15 Cincinnati to Grove City trip occurred on or

16 around October 3rd --

17 A. Okay.

18 Q. -- of 2007. Does that sound about

19 right?

20 A. Yeah. I don't remember specifically,

21 but about right, yes.

22 Q. And you spoke with Molly Taylor on

23 October the 10th?

24 A. Yeah.

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1 Q. Is that correct?

2 A. Yeah.

3 Q. I'm wondering what happened to those  
4 text messages in a week, your October 3rd text  
5 messages between you and Cindy.

6 A. I don't understand what you're asking.  
7 What happened to them in a week?

8 Q. Right. Why didn't you have those after  
9 just a week?

10 A. I -- I don't know.

11 Q. Okay.

12 A. I don't know what caused me to --

13 Q. That's okay. I'm just trying to -- I  
14 mean, don't -- we're just -- I'm just asking. I  
15 don't want you to feel uncomfortable about this,  
16 but I just want to make sure I'm understanding  
17 what's going on.

18 Okay. So when you were there October

19 3rd, she was text messaging you and calling you?

20 A. Uh-huh.

21 Q. Tell me about what you remember about

22 the text messages.

23 A. That she was uncomfortable. She didn't

24 want to be there. That he was saying things to

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1 her that -- like -- she had asked him why he  
2 didn't go over her resume with her when she was  
3 interviewed for her job. He said her ass got  
4 her the job, or something like that. He did --  
5 there were -- I'm trying to think. Apparently  
6 he made comments. There was a lot of comments  
7 she shared that were inappropriate.

8 Q. Did she share them through the text  
9 messages that she was --

10 A. No, that was on the phone.

11 Q. What was she -- do you recall what she  
12 was texting you that day?

13 A. Not specifically. But I know it was  
14 just along the lines that she's uncomfortable.

15 Q. Okay. And I think -- correct me if I'm  
16 wrong -- but you stated before that before she  
17 went to Cincinnati she talked to you about maybe  
18 not wanting to go.

19 A. Oh, yeah. She did not want to go. She

20 was not comfortable with going at all.

21 Q. At any point in time, did you say, you

22 know what, Cindy, tell him you're not doing it,

23 you have the right to say no?

24 A. I believe that that was -- that I said

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1 that -- something like that. And he's the boss.

2 You don't really, I mean, tell the boss no. Or

3 especially him. He's not very pleasant when he

4 doesn't get his way. So it -- I don't blame her

5 for not --

6 Q. No, I'm just wondering -- I'm just

7 asking if you ever said, hey, you know --

8 A. I believe I probably did, because I was

9 pretty fed up with how things were in the office

10 under him by that point.

11 Q. Okay.

12 A. So I'm sure I probably said, tell him

13 you're not going.

14 Q. Do you remember what she said to you,

15 or --

16 A. She didn't feel like she could say no to

17 him. I mean, he was the boss.

18 Q. Okay.

19 A. And that's how it pretty consistently

20 was, that he was the boss.

21 Q. I think you said that she wanted you to

22 come to Rackums.

23 A. She did. Real bad. She was not

24 comfortable there.

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1 Q. And did you?

2 A. No, no.

3 Q. Why, if there was any --

4 A. I didn't want to be anywhere around him.

5 Q. Okay.

6 A. And my dad had been so adamant that I

7 not, you know, get involved with the two of them

8 and whatever they were up to, you know, whatever

9 was going on, that I -- that I was just like,

10 no, there's no way I can come over there.

11 Q. Okay. Did you call anybody or anything

12 like that? Did you call any of the other

13 employees or other coworkers and say, hey, go to

14 Rackums or anything like that, Cindy's there

15 with --

16 A. Not that I recall right now.

17 Q. Okay.

18 A. I know Cindy told me she called Doug

19 Armbrust and wanted him to go, but -- because

20 she didn't want to be there alone with him.

21 Q. Okay.

22 A. But I don't recall calling anyone

23 myself.

24 Q. Okay. Did she talk to you the evening

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1 after she left Rackums?

2 A. I believe so. I believe that's -- yeah.

3 I don't remember for sure, but we were talking

4 pretty consistently through all of this. We

5 were talking a lot during all of this.

6 Q. Now, on October 10th, you went to Molly

7 Taylor. Tell me why you went to Molly Taylor.

8 A. I went to Molly Taylor because it had

9 finally been enough for me. That day he had

10 told me to shut up and not speak unless I was

11 spoken to, and that was just what did it for me.

12 I mean, I couldn't handle -- I couldn't handle

13 it anymore, with the sexual inappropriateness,

14 the ethics issues that I was concerned about,

15 the -- with everything. I just -- I couldn't

16 handle it anymore, and I needed to talk to

17 someone, because I was concerned.

18 I mean, I -- I knew -- I hadn't been in

19 State government for long, but I knew enough  
20 that this was a ticking time bomb for the  
21 office. It just wasn't -- I mean, I had been  
22 out smoking a cigarette with him one day, and he  
23 was joking around with me, laughing about how he  
24 had broken the law Marc's first day in office.

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1 He just thought that was funny. Well, that's  
2 not funny. I don't -- so, but, yes, that's why.

3 Q. And how did he break the law Marc's  
4 first --

5 A. Something to do with the drinking at the  
6 inauguration party, how it had been past time  
7 for the bar to serve them, and they talked them  
8 into serving more alcohol, something like that,  
9 and how he thought it was so funny they had  
10 broken the law the first day he was -- I don't  
11 know.

12 Q. Okay. When you went to Molly Taylor,  
13 did you ask for -- did you then have a  
14 conversation with Stephanie Bostos-Demers?

15 A. Yes.

16 Q. Was it you and Stephanie and Molly  
17 together?

18 A. Uh-huh.

19 Q. Was that the same day or the next day?

20 A. No, it was a couple days after. I went

21 to Molly initially with my concerns and that I

22 needed to talk to someone, because I just -- I

23 couldn't handle it anymore and was very -- I

24 mean, working for Tony for that time, from

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1 January until fall, I had gotten -- I had been  
2 gaining weight, I had [REDACTED]  
3 [REDACTED], I was just -- I was not doing well.  
4 I was not enjoying -- I mean, I was not enjoying  
5 my work. I was dreading going into work every  
6 day. It was a bad environment. And I had just  
7 gotten to the point where I said to Molly that I  
8 needed to talk to someone. I just wasn't -- I  
9 needed to.

10 Q. Okay.

11 A. And she said, well, what you need to do  
12 is sit down with Stephanie.

13 Q. Okay. And you did?

14 A. Yes.

15 Q. And did you ask for a transfer at that  
16 point?

17 A. Yes, I did.

18 Q. Were you ultimately transferred?

19 A. I was.

20 Q. And where you're working now; is that

21 correct?

22 A. Actually, I'm off right now.

23 Q. Okay.

24 A. I was transferred to BC -- I was

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1 transferred as the equipment coordinator at BCI,  
2 and then I was removed from that position.

3 Q. Not for performance reasons; is that  
4 right?

5 A. No, not for performance reasons. But we  
6 don't really -- we don't -- we -- when I say  
7 "we," I mean my dad and mother and I -- don't  
8 specifically know why, but we were -- yeah, I  
9 don't want to get into that.

10 Q. Okay.

11 A. But I was removed from that position. I  
12 was so upset about my removal -- well, I can't  
13 really say that, because it hasn't been  
14 confirmed -- but [REDACTED] that  
15 night. And I'm [REDACTED]  
16 [REDACTED]. It's a very slow -- [REDACTED]  
17 [REDACTED]. And the stress has  
18 been -- so I am -- [REDACTED]

19 [REDACTED]

20 Q. Okay.

21 A. But I've been [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 Q. Are you -- you'll be returning to

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1 employment with the Attorney General's office?

2 A. Yes. I wish to, yes.

3 Q. We're expecting you to, so -- I'm not

4 telling you anything.

5 A. As long as 

6 

7 Q. And currently you're holding a position

8 in criminal justice initiatives?

9 A. Yeah. Missing children's. I love it.

10 Q. Good.

11 And after the time you transferred, have

12 you had any contact with Tony Gutierrez?

13 A. No. No.

14 Q. Okay.

15 A. I know my first -- never mind.

16 Q. Please, go ahead.

17 A. Well, I know my first day back, when one

18 of the employees from telecom came over to hook

19 up my phone, he made a strange statement to me.

20 And this was Andy Miller. He said, Mariellen,

21 we have been really worried about you with this

22 

23 He was like, you know, you move out there to

24 BCI, and then, you know, we keep hearing that,

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1 you know -- we heard Tony say things like he was  
2 after ya, and then all the sudden, [REDACTED]  
3 [REDACTED] We didn't know what was going  
4 on with you.

5 So I do believe that I wasn't protected  
6 as much as I was told I was being protected as  
7 far as talking to HR about my concerns for the  
8 office about Tony. But -- because Tony had --  
9 Tony knew somehow that I had gone to HR and told  
10 them all my concerns, which is a little  
11 disappointing.

12 Q. Okay. When's the last time you spoke  
13 with Cindy Stankoski?

14 A. Actually, the day I read in the paper  
15 that she had -- and she actually -- she came --  
16 when I was walking in the building today, she  
17 came up, and she saw me coming in the building,  
18 she came up and gave me a hug. My dad and I

19 just walked in. But the day I saw it in the  
20 newspaper, I did send her a text message that I  
21 was glad that she had come out with her issues.

22 Q. You said she --

23 A. I didn't expect her to.

24 Q. You just unexpectedly ran into her?

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1 A. Yeah. She was outside. I heard her.

2 She was at the corner. She was like --

3 Q. What corner?

4 A. Outside.

5 Q. In front of this building, 180 East

6 Broad Street?

7 A. Yeah. And then she yelled my name. I

8 was like, hi. She came over and gave me a hug.

9 Q. Did you guys talk?

10 A. No, no. There was no conversation. My

11 dad doesn't want me talking to her.

12 Q. Okay. Your dad was there?

13 A. Yeah. My dad's --

14 Q. He's with you?

15 A. Yeah, he's waiting. He's outside,

16 waiting for me.

17 Q. Okay. And she didn't know you were

18 coming today?

19 A. I believe she did.

20 Q. Oh. How did she know that?

21 A. I don't -- I don't know. She sent me a  
22 text yesterday that said that she wanted to get  
23 together.

24 Q. When did she want to get together?

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1 A. Sometime soon. But I told her -- my dad  
2 doesn't want me talking to her, so I didn't make  
3 any plans with her.

4 Q. Did she say, I know you're going to talk  
5 to them tomorrow?

6 A. Well, she said, after you get together  
7 with them, let's try to get together, so...

8 Q. Did you -- who did you tell other  
9 than --

10 A. I didn't tell anybody.

11 Q. Hmm.

12 A. I don't know how she -- I -- I've been  
13 surprised that this -- I don't -- I don't know.  
14 I've been surprised at the stuff that I've read.

15 Q. Okay. So you haven't --

16 A. Because I --

17 Q. You didn't tell her you were coming  
18 today?

19 A. I didn't tell her, no.

20 Q. But she --

21 A. She knew.

22 Q. -- did unexpectedly come up to you

23 outside of the building, right before you came

24 here today --

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1 A. Yeah.

2 Q. -- and gave you a hug?

3 A. Yeah.

4 Q. And said she wanted to get together with  
5 you?

6 A. Yeah.

7 Q. Do you have the text message on your  
8 phone?

9 A. Let me see.

10 Q. The text that she gave you.

11 (Pause in proceedings.)

12 A. There it is. Series of three. The  
13 6:31, last night, hey, what is what time is your  
14 interview with Espy tomorrow? I want to see  
15 you. And then she texted me this morning and  
16 said, are you able to forward me the texts I  
17 sent you in the past? And my dad has told me  
18 that I'm not to provide her with those. I don't

19 know.

20 MR. ESPY: Would you forward those

21 tomorrow also, that message?

22 THE WITNESS: Yes. Yes. The one from

23 last night and the one from this morning, asking

24 me to send her the texts?

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1 MR. ESPY: Send her the what?

2 THE WITNESS: She asked me this morning

3 if I could send her the texts.

4 MR. ESPY: Yes. Any e-mails you have

5 between yourself and Cindy --

6 THE WITNESS: Yes.

7 MR. ESPY: -- in the last 30 days.

8 THE WITNESS: Okay. That's no problem.

9 MR. ESPY: Have there been more than

10 these two in the last 30 days?

11 THE WITNESS: Yes.

12 MR. ESPY: Any text messages you've

13 had -- you've gotten from her in the last 30

14 days.

15 THE WITNESS: Okay. That's no problem.

16 MR. ESPY: Send them to --

17 THE WITNESS: To JPfeiffer?

18 Can you write that down for me?

19 MS. PFEIFFER: I sure will. I'll give

20 you my business card.

21 THE WITNESS: I know I'll get the Ps and

22 Fs --

23 MS. PFEIFFER: Also, along with your

24 father, we would ask that you not discuss your

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1 testimony today with anyone.

2 THE WITNESS: Yeah.

3 MS. PFEIFFER: Because we are attempting

4 to conduct an investigation, and we're trying to

5 keep it as much as an integrity, fair, thorough

6 process as we can.

7 THE WITNESS: Okay.

8 MS. PFEIFFER: Here's my e-mail right

9 there (indicating).

10 THE WITNESS: Okay.

11 MS. PFEIFFER: If you need anything, you

12 can contact us by e-mail. We'll get back to

13 you.

14 THE WITNESS: Is that how you prefer

15 contact?

16 MS. PFEIFFER: If you could.

17 THE WITNESS: I'm not -- I'm not in the

18 office, as I mentioned.

19 MR. ESPY: That's okay.

20 THE WITNESS: But I will -- if that's

21 how you prefer. I mean, you guys both have

22 BlackBerries, so is that's how -- yeah.

23 BY MS. PFEIFFER:

24 Q. Is there anything else that you feel is

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1 relevant that I haven't asked you about?

2 A. Because the investigation was about the  
3 sexual harassment issues, no, regarding this  
4 investigation.

5 Q. Okay.

6 A. I do have huge concerns about his  
7 conduct in the office in areas more than just  
8 his sexual conduct.

9 Q. Are those involving the fact that he  
10 bragged about breaking the law?

11 A. Bragged about breaking the law. Bragged  
12 about -- he was consistently talking about -- it  
13 appears as if he was running his construction  
14 business out of the State office.

15 Q. Why do you say that?

16 A. There are constant phone calls, either  
17 on his personal cell, from his desk phone. And  
18 he had James Ford do blueprints for him and was

19 very clear that they were for his construction

20 business, on James' work computer.

21 Q. Okay.

22 A. He bragged about buying his wife a car

23 at the same time that he was updating the fleet

24 for the entire office, and I believe it was from

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1 one of the same dealerships we use, to -- I

2 mean -- I just -- I'm sorry.

3 Q. Is there anything else?

4 A. Sorry.

5 (Pause in proceedings.)

6 A. I'm sorry.

7 Q. That's okay. Take your time.

8 A. I'm scared to tell you guys this kind of

9 stuff.

10 Q. Why are you scared?

11 A. I don't trust him.

12 Q. Well, I think you know he's been placed

13 on administrative leave.

14 A. It doesn't --

15 Q. Well, we're here. We would like to know

16 everything you have to say. We're not going to

17 force you to say anything. Okay?

18 A. I know.

19 Q. But we're here, and we want to know if

20 you want to tell us.

21 A. It's just so upsetting to me that I -- I

22 went to the office with these concerns -- these

23 major concerns that -- I mean, and nothing was

24 done until -- it just really bothers me --

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1 nothing was done until she comes out with this  
2 suit.

3 Q. Nothing was done about her?

4 A. I mean, was there? I don't know. I  
5 mean, was there anything done? Because I  
6 mentioned all those things in the report that I  
7 gave to Stephanie, all of the things that I --  
8 you know, and --

9 Q. Okay.

10 A. I just -- it's really -- it's really  
11 been a bad time for me.

12 I'm trying to -- if I think of -- I kind  
13 of just completely lost it.

14 Q. If you think of anything else, e-mail  
15 either Ben or me, okay, and let us know.

16 MS. PFEIFFER: Do you have any  
17 questions?

18 MR. ESPY: Yes, I have a few questions

19 for you, too. Okay?

20 THE WITNESS: Okay.

21 EXAMINATION

22 BY MR. ESPY:

23 Q. You went to HR on October the 11th of

24 '07?

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1 A. (Witness nods head.)

2 Q. Is that correct?

3 A. Yes. I think my initial contact with

4 Molly was the 10th. It was -- yes, it was right

5 around October 10th, 11th, and then I met with

6 Stephanie a few days later.

7 Q. And you said you asked them to -- for

8 complete confidentiality?

9 A. Yeah.

10 Q. And you subsequently found out that Tony

11 knew about your visit?

12 A. Yes. Yeah.

13 Q. And did anyone ever tell you how he

14 found out about it?

15 A. No.

16 Q. Okay.

17 A. No.

18 Q. Is that why you feel like you can't

19 trust too many people?

20 A. Yeah. That, and he's just not -- not a

21 good person.

22 Q. I want to talk to you about some other

23 things in your statement here, too. You

24 mentioned some things right before you were

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1 finished questioning by Ms. Pfeiffer.

2 Did you consider Cindy a friend after a

3 while?

4 A. Yeah. Yeah.

5 Q. And did you consider -- did you and

6 Cindy share personal secrets together?

7 A. What do you mean by personal secrets?

8 Q. About your life and her life. Your

9 background, her background.

10 A. We were kind of getting to that, yeah, I

11 mean, to more personal. But she very quickly

12 cut me off because Tony had told her that I had

13 gone to HR, and she was upset with me for saying

14 anything to anyone about his conduct.

15 Q. But prior to that, did she confide in

16 you, do you think?

17 A. Yeah. She -- she latched on to me. I

18 mean, she -- pretty -- I mean, there was quite a

19 bit of contact after we met. She really -- but,  
20 yes, there were -- I mean, we confided in each  
21 other.

22 Q. You confided in her?

23 A. Yeah.

24 Q. It's interesting -- and I read your

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1 notes from that meeting on October 11th, '07 --  
2 you never made a mention in your notes -- in  
3 these notes here -- I'm not saying these are  
4 totally accurate -- but you never made a mention  
5 in here about Cindy's allegation that her pants  
6 were unbuttoned.

7 A. Cindy didn't tell me that.

8 Q. She never told you that?

9 A. She did not tell me that.

10 Q. Okay.

11 A. And that's -- no.

12 Q. Did she ever tell you that up until even  
13 today, she hasn't told you about that?

14 A. No. First time I heard that, I did read  
15 it in the paper.

16 Q. Were you surprised with that?

17 A. No, not at all.

18 Q. You were surprised to hear that comment

19 in the paper when you saw it?

20 A. That she had said that her pants were

21 unbuttoned?

22 Q. Right.

23 A. Was I surprised? No.

24 Q. Were you surprised you hadn't heard it

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1 from her?

2 A. Not really. Because she was so ashamed  
3 of that night. And I didn't expect her to tell  
4 me -- I was -- no, because of how ashamed she  
5 was of that night and what -- and I had asked  
6 her if something had happened sexually, and she  
7 said no.

8 Q. When did you transfer out of the  
9 section -- that section of general services?

10 A. I believe it was the beginning of  
11 November.

12 Q. Of November?

13 A. Yeah.

14 Q. And how would you characterize Cindy's  
15 feelings toward Tony up to that time?

16 A. She didn't like him, but she dealt with  
17 him. Like I said, she had -- they had both  
18 heard that I was at HR, so I was kind of the --

19 towards the end of my time in general services,

20 she didn't talk to me.

21 Q. Did she --

22 A. And she didn't -- but -- and he

23 definitely didn't. He never really did.

24 Q. But she told you she didn't like him?

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1 A. Oh, yeah.

2 Q. After you were transferred, did you have  
3 text or conversations with her by the telephone?

4 A. No, not at all. Because she was mad at  
5 me for going to HR.

6 Q. Would it surprise you if you heard that  
7 Cindy had planned a party for him in December?

8 A. No, it wouldn't surprise me, but --  
9 yeah, actually, it kind of does, but -- for how  
10 much she didn't like him, but she would never  
11 say that to his face.

12 Q. If you heard that she sent him a Happy  
13 Boss's Day card, would that surprise you?

14 A. No.

15 Q. Why would that not surprise you?

16 A. Because more than likely, I mean -- I  
17 mean, that's kind of just what you do on Boss's  
18 day.

19 Q. If you don't like your boss, you still

20 do that?

21 A. Well, I don't know. That kind of makes

22 sense.

23 Q. I want to show you -- this is an exhibit

24 here. These are notes of -- Exhibit 11, they're

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1 notes of your meeting.

2 A. Yeah.

3 Q. Excuse me for throwing it across the

4 table. I can't reach that far.

5 A. That's okay.

6 Q. That's Exhibit 11. You said on Page --

7 well, you didn't say. This is what the notes

8 say on -- these pages aren't numbered -- on the

9 fourth page --

10 A. Okay.

11 Q. -- toward the end of the page -- in the

12 middle of the page, this relates to your text

13 messages you got from Cindy that evening.

14 A. Uh-huh.

15 Q. Where it says Jessica Utovich is here,

16 do you see that?

17 A. Yes.

18 Q. And the word text is on the third line,

19 and it says wasted. It says, MD and JU

20 upstairs.

21 A. Uh-huh.

22 Q. Do you see that?

23 A. Uh-huh.

24 Q. Is that a quote from your text message,

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1 or is that something you were told?

2 A. No, that was not something that I was  
3 told. I mean, that's -- that's not a text  
4 message.

5 Q. Whose language is MD and JU upstairs?

6 A. I believe that was me talking about what  
7 Cindy told me, that Cindy [sic] and Marc had  
8 gone upstairs together.

9 Q. Had gone upstairs together. She told  
10 you this on the phone when she was outside  
11 smoking?

12 A. I'm sorry. Jessica and Marc had gone  
13 upstairs together.

14 Q. But she told you this on the phone?

15 A. Yes.

16 Q. The one time she called you that  
17 evening?

18 A. Yes.

19 Q. And then it says, stepped outside, Cindy

20 said, this is weird. Wanted ride home.

21 A. Uh-huh.

22 Q. But she told you they had gone upstairs?

23 A. Yes.

24 Q. That's what she told you on the phone?

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1 A. Yes. But it was not in the context of  
2 a -- I mean, it was not in the context of a text  
3 message.

4 Q. If you go to the page -- second page  
5 from the back, second paragraph says, multiple  
6 wrecks.

7 A. Oh, yeah.

8 Q. Do you see that?

9 A. Yeah.

10 Q. I have a hard time reading her  
11 handwriting. It says no T --

12 A. Police report, maybe, or --

13 Q. T --

14 A. Internal report?

15 Q. No internal report?

16 A. Yeah.

17 Q. To BCI for repairs.

18 A. Yeah.

19 Q. What's all that about?

20 A. That's another thing I had talked to

21 them about.

22 Q. What's that about?

23 A. He had, on more than one occasion, done

24 damage to his State vehicle and taken it out to

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1 BCI to have them fix it, out of the garage.

2 Q. When you say he caused it himself?

3 A. Yes. And then there was one time -- I

4 believe there was twice that he had done damage

5 to the car, but then there was one time that

6 Lindsay, the intern, hit something down in the

7 parking garage. And she was just a mess. He

8 said, we'll just get it taken care of. It's

9 okay.

10 Q. How did you know this, that there are

11 multiple wrecks that he caused? How did you

12 know this?

13 A. Because he talked about it.

14 Q. He talked about it?

15 A. Yeah.

16 Q. In your presence?

17 A. Yeah. I mean, it's all open right there

18 where we all sit.

19 Q. Okay.

20 A. Until he soundproofed his office.

21 Q. How did he soundproof his office?

22 A. He had the building come up. He paid to

23 have the building come up and soundproof his

24 office.

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1 Q. With what?

2 A. I don't -- I don't know. Some sort

3 of -- I don't know how they did it; but I know

4 that that was something that he had done, was

5 had his office soundproofed.

6 Q. Okay.

7 A. But, yeah.

8 And another thing that I did talk to

9 them about, when I went to HR, was his drinking

10 in his State vehicle and the fact that there was

11 a gun.

12 Q. Before you get to the gun, is there

13 anything in these notes where you talked about

14 his drinking in the State vehicle to them?

15 A. Anything in the notes?

16 Q. Yeah. I didn't see anywhere in the

17 notes where -- but you recall bringing it to

18 their attention, him drinking in the car?

19 A. Not drinking in the car, using the car  
20 to go to bars and using the car after he had  
21 been drinking.

22 Q. Do you recall telling HR that at this  
23 meeting?

24 A. Yeah. Yes. Yeah, it says right here.

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1 Q. Which one --

2 A. I mean, I'm talking about the  
3 retaliation. She fears retaliation. Please  
4 keep confidential.

5 Q. Right.

6 But I'm saying the drinking part --

7 A. Apologize.

8 Q. -- is that -- look through there and see  
9 if you see any reference to him drinking and  
10 driving in a State vehicle.

11 (Pause in proceedings.)

12 (Attorney Pfeiffer exits room.)

13 A. It doesn't appear that there's specific  
14 mention of the use of the State vehicle and the  
15 drinking. But, for instance, the trip to  
16 Cincinnati, where they were stopping at bars on  
17 the way home, or at least one bar that I know  
18 of, that was done in his State vehicle.

19 Q. Okay.

20 A. The night that they went to -- the night  
21 of the 10th -- September 10th, that was in his  
22 vehicle. So, no, there's no specific mention in  
23 here of that.

24 Q. Okay. You also said on the

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1 second-to-the-last page, it says, drops F bombs.

2 A. Oh.

3 Q. Do you see that --

4 A. Yeah.

5 Q. -- on that page?

6 And I can't make out what the other

7 thing said.

8 A. I was very, very disappointed and

9 embarrassed for the office on kids' day last

10 year, when I was allowed to bring my little

11 sister, 12-year-old, her name's Natalie, and it

12 was completely an inappropriate situation for me

13 to have her in.

14 Q. What happened?

15 A. He used horrible language. He -- it was

16 just uncomfortable for me to have my sister

17 there while he's talking, like, inappropriately.

18 And she doesn't talk like that. No one she's

19 around talks like that, you know.

20 And at one point, Tony says to his

21 daughter, who was also there -- he slams the

22 phone down. He was talking on the phone to

23 somebody -- let me think -- he slams the phone

24 down, he was like, come on, Marissa, let's go

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1 deal with these F-ing idiots.

2 Q. Talking to his daughter?

3 A. Yeah.

4 Q. He was talking to his daughter?

5 A. Yeah.

6 Q. And your niece heard this?

7 A. My sister.

8 Q. Your sister heard this?

9 A. Yeah.

10 Q. And --

11 A. It was just very embarrassing.

12 Q. Now, we get down to Cindy borrowed  
13 Tony's car, SUV, lights and sirens, went to BCI.

14 What's that mean? Explain that one. That's on  
15 the second-to-the-last page, also.

16 A. Oh. Sorry.

17 Cindy borrowed Tony's car. Yeah, he had  
18 lights and sirens put in his car. It's not

19 something anyone really understood, why the  
20 director of general services had lights and  
21 sirens in his car, but it doesn't -- I mean, I  
22 think I just mentioned that.

23 Q. When was that done, do you know?

24 A. Pretty much at the beginning of -- they

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1 were on there pretty much the whole time he had  
2 his State vehicle.

3 Q. Is this the -- what vehicle was this?

4 A. Big, black SUV.

5 Q. Now, I've heard he had at least four  
6 vehicles while he was there. Was it just in  
7 that one vehicle?

8 A. There were two black SUVs that he had  
9 the lights and sirens in both, I believe.

10 Q. In what?

11 A. In both of those.

12 Q. And he calls Cindy and said, where's the  
13 gun?

14 A. Yeah. She had to run something out to  
15 BCI or run some errand for him in his vehicle,  
16 and she apparently had to move a gun that was in  
17 the front seat -- on the front seat, somewhere  
18 visible to her, she had to move the gun back

19 into the backseat, and I believe she put it

20 under the backseat.

21 (Attorney Pfeiffer enters room.)

22 A. But he called later that evening and

23 said, where's my gun?

24 Q. You heard all this, right?

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1 A. Yeah, I was -- it was while Cindy and I  
2 were still at work. It was a Friday, because he  
3 had left early.

4 Q. Okay.

5 A. So he calls and said -- asked her where  
6 the gun was, and she told him where she had  
7 moved it. And he -- and when Cindy got off the  
8 phone, I said, what was that all about? He  
9 said, oh, his gun was in the car when I went to  
10 go to BCI, and I had to move it, because I  
11 didn't want it sitting where it was.

12 Q. And then it says, Erika, TG reeked of  
13 alcohol, spit as if puked. Gross. What's that  
14 about?

15 A. Yeah.

16 Q. This Erika?

17 A. There was one morning that I went to  
18 Erika, and I said, Tony really smells like

19 alcohol today. Have you noticed that? And she  
20 said, oh, not today. She said, but -- I don't  
21 remember -- she said, you know, a couple of  
22 weeks ago -- or I don't -- she said that there  
23 was one morning that he came in and he had,  
24 like -- like, spit, like he had just thrown up

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1 into a trash can or something, hanging from his  
2 mouth, and he just reeked of alcohol. And that  
3 was in the office.

4 Q. At one place in here I thought you  
5 indicated that maybe Tony asked all the ladies  
6 in the section to go out for drinks except you.

7 A. Yeah. Which I'm glad.

8 Q. Is that a true statement?

9 A. Yeah. It was at one point that he  
10 asked -- well, me and Kristy, he didn't ask  
11 Kristy either. But he asked Erika, Cindy, and  
12 Amanda if they wanted to go get drinks. It was  
13 just funny that he completely skipped over me.

14 Q. Was that in your presence?

15 A. Yeah. There were a lot of invitations  
16 for things outside of work to other girls in the  
17 office. It was pretty frequent.

18 Q. You've never been to that apartment,

19 have you?

20 A. I was there once to pick up a car. They  
21 sent me and Erika to the apartment to pick up a  
22 car that had been -- a State car that had been  
23 left there.

24 Q. Did you go inside the apartment?

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1 A. No, no. Huh-uh. It was just hop in the  
2 car and drive right back to the office.

3 Q. Did you say you heard some comments  
4 about a hot tub, comments of Erika and a hot  
5 tub?

6 A. Yeah. Tony, like I said, was constantly  
7 asking her to do something with him outside of  
8 the office. And wanted to get in his hot tub  
9 with her and drink wine and said she could come  
10 over any time and use the gym at his place and  
11 the tanning beds. He was saying anything he  
12 could to get her outside the office.

13 Q. Did you ever hear Tony make any  
14 inappropriate comments to Amanda Saxton?

15 A. Yes. There was one comment in  
16 particular where I was going out for my  
17 cigarette break, and Amanda said, oh, let me go  
18 with you. I said, hurry up, go get -- she had

19 to run back to her desk. She was running, and  
20 she was holding her chest (indicating). And he  
21 said something about -- he made some kind of  
22 comment about her holding her chest and says,  
23 well, I have handcuffs that can take care of  
24 those hands or something, keep them -- but he

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1 made some gross comment about keeping her hands  
2 down while she ran or something like that.

3 Q. How is that gross, keeping her hand down  
4 while she ran? How is that gross?

5 A. Well, she was clearing holding her chest  
6 so it didn't move when she was running.

7 Q. You mean her breasts?

8 A. Yes.

9 Q. Oh.

10 A. Yes. And he asked her why, and she said  
11 she was -- I mean, that's -- and he said he had  
12 handcuffs that could help her keep her hands  
13 away.

14 Q. You also indicated that he had someone  
15 do some blueprints --

16 A. Yes.

17 Q. -- on an office computer.

18 A. Yes. He had James Ford.

19 Q. James Ford?

20 A. Yes.

21 Q. What did he do on the computer,

22 blueprints?

23 A. He used some program that James is the

24 only one in general services that really has

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1 knowledge of the blueprint program, Tony had him  
2 draw up some kind of -- something that was for  
3 his construction building. I don't know the  
4 details. I didn't really even -- Tony was very  
5 open, and I heard him tell James that it was for  
6 his business.

7 Q. His private business?

8 A. Yes.

9 Q. And, also, you indicated that he did  
10 something else for his private business. What  
11 was that?

12 A. There were constant telephone calls  
13 where he was talking to his foreman or talking  
14 to someone that owed him a bill, or --

15 Q. This is on the State phone?

16 A. There were quite a few to his personal  
17 phone, but there was also times that he was on  
18 his desk phone. I didn't notice many calls he

19 took on the State cell phone about the  
20 construction business. But I know there was  
21 some from his desk phone, and I know there was  
22 quite a few conversations, more than once daily,  
23 that were construction related.

24 Q. You said Tony found out you had gone to

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1 HR. What happened in terms of -- had you  
2 already transferred when he supposedly found out  
3 about that?

4 A. No. This was before my transfer. I  
5 remember --

6 Q. How were you treated after he found out  
7 you were at HR?

8 A. He at one point called me in his office  
9 and said, there's a rat in general services. Do  
10 you know what's going on? Do you know who?  
11 Somebody went to HR and complained about me. I,  
12 of course, said, I don't know. I'm not going to  
13 tell him that. He had called everyone in and  
14 asked everyone. And I think he did that,  
15 knowing it was me.

16 Q. He said there's a rat in general  
17 services?

18 A. Uh-huh.

19 Q. That's the statement?

20 A. Uh-huh.

21 Q. And how were you treated after that?

22 A. He was pretty much -- just ignored me,

23 which was fine with me. He had kind of calmed

24 down and was a little more mellow, so I --

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1 but -- I mean, after he had heard someone went  
2 to HR. It wasn't bad for me. I was still  
3 scared. I still am.

4 Q. Now, when you say you're scared, is that  
5 the mind-set of people who worked in that  
6 section --

7 A. Yes.

8 Q. -- they were afraid of him?

9 A. Very much so.

10 Q. But why were they afraid of him?

11 A. Because he's very -- I mean, he's very  
12 in-your-face-type person. He's very -- he has  
13 no problem talking about how he feels about  
14 someone or how he's treated people in the past  
15 or his names, ties, his -- you know, how his  
16 last name has ties to the mob.

17 Q. Did he tell you that?

18 A. No, I've -- not me, directly. But he

19 has just no problem just being -- just not a --

20 not a nice person.

21 Q. You say his name is tied to the mob.

22 Did someone tell you that?

23 A. Yeah. That's actually something that

24 Cindy had told me that he had bragged about.

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1       And I also have forgotten until now that  
2 I had gone to Charlie Rosol more than once and  
3 said, Charlie, I'm really having a hard time  
4 working under Tony. I don't know how much  
5 longer I can do this. And Charlie would just  
6 say, just hang in there, you know, just hang in  
7 there.

8       Q. Was Charlie afraid of him, too?

9       A. Yes, very much so. Very much so.

10      Q. Is there anything else you'd like to add  
11 to the record?

12      A. Not that I can think of right now.

13      Q. Okay. If you think of anything, make  
14 sure you contact us.

15      A. (Witness nods head.)

16      Q. And if you can remember tomorrow to  
17 forward all those e-mails that we've requested.

18      A. Absolutely.

19 Q. If you want to contact us for anything,

20 make sure you do that.

21 A. Okay.

22 MR. ESPY: I appreciate your coming in,

23 and appreciate your volunteering information

24 early on to people that should have responded to

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1 you in a proper fashion.

2 THE WITNESS: It's really -- it's been

3 hard for me.

4 MR. ESPY: I hope you get better, too.

5 THE WITNESS: Thank you. It's -- thank

6 you.

7 MR. ESPY: Okay.

8 THE WITNESS: And so I will get those

9 messages to you. I'll give you a call -- or

10 I'll e-mail you if anything else comes up that I

11 can think of.

12 MR. ESPY: Sounds good.

13 ==0==

14 Thereupon, the sworn interview of

15 Mariellen Aranda, April 17, 2008, was concluded

16 at 10:31 a.m.

17 ==O==

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1                    CERTIFICATE

2 STATE OF OHIO     :

                  SS:

3 COUNTY OF FRANKLIN :

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

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

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

18

19

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

20

Notary Public, State of Ohio.

21 My commission expires: March 10, 2013

22

23

24

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