

## INTER-OFFICE COMMUNICATION

Date June 9, 2008



File 2 ADM

To Director H. Guzmán Attention \_\_\_\_\_

From Colonel R. H. Collins, Superintendent

Subject Administrative Investigation #2008-0196

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Administrative Investigation #2008-0196 was initiated on February 8, 2008, following a criminal investigation by the Patrol's Office of Investigative Services. During the course of the criminal investigation, three employees who were interviewed alleged they were being subjected to a hostile work environment created by their supervisor, Lieutenant Troy S. Johnson.

Consequently, 25 employees were interviewed. During the course of these interviews, allegations were made of possible misconduct, including contributing to a hostile work environment, involving Assistant Director George Maier, both during his tenure as the Jackson District Commander and during the time he has been serving as the Assistant Director of Public Safety.

Submitted for your review and disposition.

RHC/mss



- Administration
- Bureau of Motor Vehicles
- Emergency Management Agency
- Emergency Medical Services Division
- Office of Criminal Justice Services
- Ohio Homeland Security
- Ohio Investigative Unit
- Ohio State Highway Patrol

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June 26, 2008

RE: Administrative Investigation: # 08-0196, - 08-0197

Dear Director Guzmán,

This letter is in response to Administrative Investigations (08-0196, 08-0197), where there were allegations of misconduct at the Jackson District Commercial Enforcement Unit. The A.I. contained negative gratuitous comments/statements regarding my assignment as District Captain from August 2004 to May 2007. I am truly saddened by the recollection of some folks related to my responsibility as the District Commander. I strongly disagree with the accusations made by "alleged" witnesses interviewed in this investigation related to my demeanor. My role in this was simply as a messenger of information that eventually led to both a criminal and administrative investigation. The subsequent investigations were intended to identify the specific facts related to employee allegations at that facility. As I stated in my phone conversation to S/Lt. Borden on January 22, 2008, a former colleague of mine, I had no first hand knowledge of any misconduct, or anything involving the Unit Commander or his staff.

I did tell S/Lt. Borden that I felt he and Captain Pride should try to talk to the folks involved, in an attempt to determine if there was anything to the rumors relayed through me. I also mentioned to S/Lt. Borden that some of the allegations were phrased to me as borderline criminal, but again I had no knowledge of this first hand and had my own doubts of this being factual. As the investigation (criminal) began, I also shared my doubts of this with the OSP investigators.

S/Lt. Borden asked if my statement to him was an official complaint, and I told him it was not, and that he did not need to report back to me. I was calling as a friend of District Nine and felt that the District Staff was in the best position to assess the situation first hand and determine a positive course of action if any. I did not want my position of Assistant Director to be cause for overreaction to the rumors I have heard. This was also an attempt to distance myself from this situation in light of the information that was flowing in my direction as a result of my assignment prior to retirement from the Ohio State Highway Patrol. I did attempt to contact Paul Pride (Captain) as I believed we too had a formidable relationship. However, I was unable to reach him and I requested that S/Lt. Borden inform Captain Pride, which I believe he did.

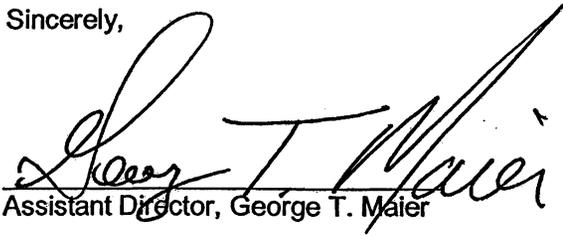
I have made all attempts to recuse myself from the process involving this investigation, and ask to continue to do so in the decision regarding discipline, as I have had a working and friendly relationship with all parties involved.

**Mission Statement**

*"to save lives, reduce injuries and economic loss, to administer Ohio's motor vehicle laws and to preserve the safety and well being of all citizens with the most cost-effective and service-oriented methods available."*

I think it most important to emphasize that the allegations alleged in this investigation were not about me. I find it odd that these statements were made when I was not the subject of the investigation. However, I feel that there are a few involved who have made a deliberate attempt to turn the focus towards me and what I may or may not have done while serving as the Jackson District Commander.

Sincerely,

A handwritten signature in black ink, appearing to read "George T. Maier". The signature is written in a cursive style with a large, looping initial "G".

Assistant Director, George T. Maier



- Administration
- Bureau of Motor Vehicles
- Emergency Management Agency
- Emergency Medical Services
- Office of Criminal Justice Services
- Ohio Homeland Security
- Ohio Investigative Unit
- Ohio State Highway Patrol

June 30, 2008

TO: Colonel Richard Collins

FROM: Director  Henry Guzmán

TOPIC: Administrative Investigation # 08-0196

This memo is to follow up on our conversation on June 10, 2008. In administrative investigation #08-0196 conducted in District 9 you stated there were allegations that Assistant Director Maier created a hostile work environment there both when he was a Captain and as Assistant Director. You stated there was nothing to these allegations and no further action would be taken. It is my understanding that Assistant Director Maier was not a subject of this investigation nor was he interviewed during the course of this investigation.

**Mission Statement**

*"to save lives, reduce injuries and economic loss, to administer Ohio's motor vehicle laws and to preserve the safety and well being of all citizens with the most cost-effective and service-oriented methods available."*

## INTER-OFFICE COMMUNICATION

Date July 8, 2008



File 2 ADM

To Director H. Guzmán Attention \_\_\_\_\_

From Colonel R. H. Collins, Superintendent

Subject Administrative Investigations 08-0196 and 08-0197

After your review of administrative investigations 08-0196 and 08-0197, the materials were returned to my office. However, the audio disks were not returned. I am requesting that you return the disks to my office so they can be kept with the rest of the completed investigation materials.

Thank you for your prompt attention to this matter.

RHC/mss

7.08.08

Col Collins, these audios had been secured in my office desk drawer and I had just failed to returned them w/ the files. These they were provided to Rob Young on 7.08.08.

H.S.

## INTER-OFFICE COMMUNICATION

Date July 8, 2008

File 2 ADM



To Director H. Guzmán Attention \_\_\_\_\_

From Colonel R. H. Collins, Superintendent

Subject Administrative Investigations #08-0196 and #08-0197

Attached is a summary of the hostile work environment allegations involving Assistant Director George Maier which resulted from Administrative Investigations #08-0196 and #08-0197. To clarify our June 10, 2008 conversation, I explained to you that Major Bruce Ludlow directed investigator Sergeant Cassandra Kocab to record any allegations involving Assistant Director Maier that were brought to her attention by District Nine employees. These allegations were unsolicited and not part of the original investigation to which she was assigned. Major Ludlow also directed her not to pursue these allegations, since a course of action would be determined at a later time.

Sergeant Kocab was directed to complete the original administrative investigations she was assigned involving Lieutenant Troy Johnson and others. Though allegations of creating a hostile work environment involving Lieutenant Johnson could not be supported, the allegations of creating a hostile work environment involving Assistant Director Maier were not resolved. At no time during my June 10<sup>th</sup> conversation with you did I imply that there was nothing to the allegations involving Assistant Director Maier, or that no further action should be taken.

As you know, a protocol has been established with the Inspector General's Office for administrative investigations that could potentially involve a high profile media interest, or which involve high level administrators within the Department of Public Safety. This protocol was established by Chief Legal Counsel Josh Engel, following a meeting several months ago with Inspector General Thomas Charles, Assistant Director Maier, Lt. Colonel Costas, and me. This protocol resulted in the Inspector General's involvement in recent administrative investigations at the Canton Patrol Post and the Delaware Patrol Post.

To be clear, it is my recommendation that this protocol be followed regarding the allegations involving Assistant Director Maier which resulted from Administrative Investigations #08-0196 and #08-0197. The allegations should not be considered baseless without an adequate investigation. I also want to express my concern about Assistant Director Maier being granted access to Administrative Investigations #08-0196 and #08-0197 and afforded an opportunity to provide a personal written rebuttal. Any subsequent investigation has potentially been compromised by this action.

Director H. Guzmán

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July 8, 2008

Finally, I believe that any discipline resulting from Administrative Investigations #08-0196 and #08-0197 be delayed until the allegations involving Assistant Director Maier are adequately investigated. The objectivity of any input provided by Assistant Director Maier into Lieutenant Johnson's discipline would be in question in light of the allegations that have been made against him by Lieutenant Johnson and others in the Jackson District, and in light of Assistant Director Maier's access to the final investigation report and audio recordings of employee interviews.

This information is being submitted for your consideration and disposition.

Attachment

RHC/mss

## INTER-OFFICE COMMUNICATION

Date July 8, 2008



File 2-ADM

To Colonel R. H. Collins Attention \_\_\_\_\_

From Sergeant C. L. Kocab - Administrative Investigations Unit

Subject Summary of Allegations Pertaining to Assistant Director Maier

The following is a list of allegations presented concerning Assistant Director Maier during interviews conducted with employees for Administrative Investigations 2008-0196 and 2008-0197. The initial information provided concerning these allegations was recorded but no additional investigation or follow-up has been conducted concerning these allegations.

Assistant Director Maier called Staff Lieutenant Borden on January 19, 2008, and informed him of possible criminal violations involving Lieutenant Johnson and hostile work environment issues rather than calling the District Commander, Captain Pride. Maier allegedly told Borden he was calling him because he knows he is good with people and hoped he could take care of the situation. Staff Lieutenant Borden immediately told Captain Pride who informed Major Minter in Operations. A criminal investigation was initiated by Staff Lieutenant Wernecke, followed by an Administrative Investigation which was conducted by Sergeant Kocab.

The following is a list of allegations concerning Assistant Director Maier:

- Staff Lieutenant Borden stated he received a phone call from Assistant Director Maier on January 19, 2008, on his state cell phone. He said AD Maier told him that he understood there were two staff lieutenants who were recently at the Jackson CDL Facility and that he was glad to hear this and felt it was a good thing. He said AD Maier went on to say there were a lot of problems down there, and that the people there were getting upset and things are getting out of control. He said AD Maier told him that place (referring to the Jackson CDL Facility) needed "eyes on" and that he (AD Maier) had called Captain Pride about a month prior and told him that the place needed "eyes on."
- Staff Lieutenant Borden stated he received a second phone call from Assistant Director Maier on January 22, 2008. He said AD Maier told him he didn't know if he (Borden) could stop it now, referring to the issues with people being upset at the Jackson CDL Facility. He said AD Maier told him he had received three or four phone calls that day from people at the facility who were upset with Lieutenant Johnson. He said AD Maier told him there was a letter drafted that was going to the *Columbus Dispatch* and to the Director's Office. He said AD Maier also told him there might be a criminal issue with Lieutenant Johnson selling state property while on duty. He said AD Maier told him this was witnessed by DX2 Darlene Holdcroft.

- Staff Lieutenant Borden alleged that in the first phone call from AD Maier, he told him he wanted him (Borden) to try and fix the problem if he could because he was good with personnel issues.

He said during the second call he received from AD Maier, Maier told him that he didn't think things could be fixed at this point but he could still try. Borden said AD Maier discussed the criminal issue as "being a beast of it's own." Borden said he asked AD Maier if he wanted him to report back to him with his findings and AD Maier told him no, that he would just call him someday and ask him what happened.

- Sergeant Menendez alleged that while attending In-Service on January 22, 2008, he received a disturbing phone call from Assistant Director Maier on his personal cell phone. During this phone call, Assistant Director Maier told him he had strayed off path and he (Maier) had helped him twice before and he wasn't going to help him anymore. Menendez said Assistant Director Maier told him he understood there were some issues going on down there (DHQ-9) and told him not to be easily influenced by people there. Mendendez assumed Assistant Director Maier was referring to Lieutenant Johnson and District Staff. Assistant Director Maier then told Mendendez he needed to get back on the "A-Team."

Captain Pride and Lieutenant Johnson both confirmed through their interviews that Sergeant Mendendez had made them aware of this phone call.

- It was revealed through numerous interviews that on January 27, 2008, Assistant Director Maier attended a gathering at Portable Load Limit Inspector Parker's home off-duty. Those in attendance at this off-duty gathering were Portable Load Limit Inspector Kelly, Portable Load Limit Inspector Parker, Motor Carrier Enforcement Supervisor Holdcroft, Trooper Steve Circle, and Motor Carrier Enforcement Inspector Elcess. This gathering was described by some interviewed as being a "bitch session" about Lieutenant Johnson.
- Lieutenant Johnson said Assistant Director Maier had a conversation with Lieutenant Lee Darden of the Chillicothe Post in reference to the Mobile DX vehicle that was parked in the Post parking lot. Assistant Director Maier allegedly made the following comment, "Hey, you know you're screwin' with my boys...they're screwin' with my boys down there, now I'm gonna screw with you guys and find out why this thing is being parked up there if they can't drive their van?" Johnson said Assistant Director Maier was referring to the issue of Portable Load Limit Inspector Kelly and Portable Load Limit Inspector Parker not being allowed to drive their state scale van from home to work each day. Captain Pride required them to leave the scale van parked at the Jackson CDL facility where they had been previously allowed to drive it to and from home while Maier served as the District Captain.
- Captain Pride stated he has taken a number of phone calls from Assistant Director Maier since his transfer to District 9 in reference to things Lieutenant Johnson has allegedly done wrong. He said two such phone calls were in reference to an incident where Lieutenant Johnson did not immediately greet AD Maier as he entered the Jackson CDL Facility due to him being on the phone with his mother. He said AD Maier also called him and told him he had a tyrant (referring to Johnson) running the Jackson CDL Facility. He said this phone call occurred after

Lieutenant Johnson had talked to DX2 Darlene Holdcroft about eating at her work station in view of the public.

- Captain Pride stated that AD Maier called him and demanded an official apology from Lieutenant Johnson for his failure to recognize or greet him when he stopped by the Jackson CDL Facility. Captain Pride explained that Lieutenant Johnson was on the phone with his mother (who is undergoing cancer treatments) upon AD Maier's arrival to the facility, which is why Lieutenant Johnson did not go out to greet AD Maier. AD Maier eventually entered Lieutenant Johnson's office and spoke to him before leaving the facility. Captain Pride said he received two very agitated phone calls from AD Maier in reference to this incident.
- Captain Pride received a phone call from AD Maier when he took the scale van from the portable load limit inspectors and would not allow them to drive it from their home into work. AD Maier told Captain Pride it was a District decision of whether or not to allow them to drive the van to and from work. Captain Pride said it was not a decision that District could make and that the Licensing and Commercial Standards Unit told him the van could not be used for this purpose.
- Captain Pride alleges that Assistant Director Maier has a problem with Lieutenant Troy Johnson. He said he doesn't know what the problem is or what has caused it, but he believes this is what is causing the rift at the Jackson CDL facility now.
- Captain Pride stated that he feels the five people involved in the two administrative investigations have felt empowered because of their relationship with Assistant Director Maier. He stated that he feels these employees were part of a protected class under then-Captain Maier.

The following are allegations pertaining to Assistant Director Maier when he served as the Jackson District Commander that are alleged to have contributed to Lieutenant Johnson's hostile work environment:

- Lieutenant Johnson has documented that on May 31<sup>st</sup>, 2006, then-Captain Maier entered his office at 0631 hours while he was conducting a meeting with Sergeant Menendez, Motor Carrier Enforcement Supervisor Holdcroft, Portable Load Limit Inspector Parker and Portable Load Limit Inspector Kelly. He alleged that Maier entered the office and said, "What's this meeting all about? I have a feeling that it involves me, and that's okay." He said Maier then started the conversation that lasted until 0922 hours.
- Lieutenant Johnson and Sergeant Menendez alleged that while Maier served as the District Captain he had very little control or supervision over his direct reports Trooper Steve Circle, Motor Carrier Enforcement Inspector Elcess, Portable Load Limit Inspector Kelly, Portable Load Limit Inspector Parker, and Motor Carrier Enforcement Supervisor Holdcroft because of their relationship with Maier. He alleged these employees were allowed to do whatever they wanted and they were not held accountable.
- Lieutenant Johnson and Sergeant Menendez alleged Portable Load Limit Inspector Kelly and Portable Load Limit Inspector Parker were shown preferential treatment by then-Captain Maier

because they were not held accountable and were allowed to work special details such as ERAD (marijuana eradication) and the Parson's manhunt.

- Lieutenant Johnson alleged Staff Lieutenant Carman told him that then-Captain Maier had made physical threats toward him (Johnson). Staff Lieutenant Carman allegedly told Lieutenant Johnson that Maier made the following comment to him in reference to Johnson, "I'm not afraid of Major Brooks. I will grab him (Johnson) by his neck and kick his scrawny little ass all the way to Brooks' office."
- Lieutenant Johnson said at this Civil Disturbance training, then-Captain Maier bragged to Lieutenant Mike Crispin about how he enjoyed scaring and intimidating Lieutenant Thompson. He said he thought this occurred on the same day that Maier and Lieutenant Gore almost had a knock down, drag out fight.
- Lieutenant Johnson alleged that on December 11, 2006, he held a roll-call training session where he was discussing the goals the Licensing and Commercial Standards Unit had set for their section. He said then-Captain Maier was present and began referring to these goals as quotas and made him (Johnson) and Sergeant Menendez the butt of his sarcasm and jokes relating to what units were being required to do.
- Lieutenant Johnson alleged others have had problems with Assistant Director Maier when he was the Captain in District 9. He specifically named Staff Lieutenant Carl Roark and Staff Lieutenant Tom Dean who are both now assigned to General Headquarters.
- Staff Lieutenant Carman indicated in his interview that Sergeant Menendez (whom received a call from AD Maier on January 22, 2008) is very intimidated by AD Maier. Carman said when AD Maier was the Captain in District 9 he used to make Sergeant Menendez go for car rides and have conversations with him during these car rides. It was revealed through other interviews that these car rides were normally used by then-Captain Maier when he conducted negative conversations with employees.
- Staff Lieutenant Carman stated that employees at the Jackson CDL Facility had said all they would have to do is make a phone call and Lieutenant Johnson and Trooper Wells would be looking for another job. He said the person he assumed they were referencing making a phone call to was Assistant Director Maier.
- Staff Lieutenant Carman stated during his interview that he felt it should be noted that when AD Maier served as the District Captain he did not care much for Lieutenant Johnson. He said then-Captain Maier used to refer to Lieutenant Johnson as a tyrant and berated him (Carman) for having lunch with Sergeant Menendez and Lieutenant Johnson.
- Sergeant Menendez alleged that in 2006, then-Captain Maier threatened to make him work a midnight shift schedule and Lieutenant Johnson to work an afternoon shift schedule for attempting to change the portable load limit inspectors' schedule to an (8) hour work day – five days a week from the four (10) hour days they were working. Sergeant Menendez stated they

were trying to implement the schedule change to improve operations and provide an additional day of coverage.

- Sergeant Menendez alleged after the conversation involving the above-mentioned schedule change in 2006, then-Captain Maier took him for a car ride in his Chevy Impala and told Menendez that he needed to be loyal to him. He felt Maier was attempting to make him discredit his lieutenant when he had not seen him do anything wrong. Menendez said during this conversation, Maier told him he was the reason he had gotten promoted, he had done a lot for him, and to watch out for Troy (referring to Lieutenant Johnson).
- Lieutenant Johnson alleged Assistant Director Maier created a hostile work environment for him while he served as his District Captain and is still creating a hostile work environment for him now since he is in a position of even greater authority.

## INTER-OFFICE MEMO

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**TO:** Colonel Richard Collins, Superintendent, Ohio State Highway Patrol

**FROM:** Henry Guzmán, Director, Ohio Department of Public Safety

**DATE:** July 9, 2008

**SUBJECT:** Administrative Investigations #08-1096 and #08-0197

This IOC is in response to your July 8, 2008 IOC concerning the above-referenced administrative investigations and as follow up to our conversation of July 9, 2008.

I have reviewed the allegations involving Assistant Director Maier contained in these investigations and in the IOC you provided. I have also reviewed this matter with Chief Legal Counsel, and reviewed all applicable policies and procedures.

Based on this review, reasonable cause does not exist to believe that Assistant Director Maier has violated any law, Department of Public Safety or Division work rule, regulation, policy, or procedure, or any other Department directive. Accordingly, an administrative investigation is not warranted in these circumstances.

In addition, the allegations involving Assistant Director Maier would not rise to the level of serious wrongdoing which must be reported to the Inspector General's Office pursuant to the Procedures for Notification of Employee Wrongdoing and/or Suspected Illegal Activity.

I agree that it would have been inappropriate, under these circumstances, for Assistant Director Maier to provide input into the discipline to be imposed upon Lt. Johnson. I can assure you that Assistant Director Maier did not provide me with any input concerning my decision in this matter, and I did not solicit any advice from Assistant Director Maier on this matter. Accordingly, I see no reason to delay the imposition of discipline on Lt. Johnson and request that you proceed on that matter, and I consider the issue regarding allegations toward Assistant Director Maier closed.