



TO: Mad River Township Board of Trustees (McClure; Estep; Catanzaro)

FROM: Ryan Woodward, Senior Consultant

DATE: May 20, 2019

RE: Consultant Report

This report, submitted by the above-referenced Consultant (referred to herein as “Investigator”), is based on an administrative investigation and Consultant’s experience advising clients in human resource management. The report summarizes the findings of the Investigator.

BACKGROUND

In January/February 2019, the media published some reports concerning an employee, former Mad River Township Lieutenant Steve Schaefer. The media reported that information they had obtained from a public record request detailed multiple allegations of sexual misconduct against Schaefer while at a previous employer. Mad River Township Trustees were made aware of the past allegations against Schaefer and moved to terminate Schaefer for failing to complete his probation period satisfactorily on February 4, 2019. Following Schaefer’s termination, the media reported about the interview process for Schaefer’s hiring at Mad River Township in 2018, and the Fire Chief stated the Township was unaware of any allegation(s) against Schaefer before the media reports. Thereafter, a number of complaints were sent to the Mad River Township Trustees by current (Township) employees claiming issues with Fire Department leadership, alleging that Fire Department Administration knew of Schaefer’s prior sexual misconduct allegations.

It was determined that the allegations contained in the employees’ complaints were of a nature that warranted an immediate investigation on behalf of the Township. These allegations prompted the Trustees to launch an immediate investigation, and the Trustees approved Clemans, Nelson & Associates, Inc., the Township’s labor relations and human resources consulting firm, to investigate the complaints, per O.R.C. 505.38, including a review of the hiring process followed with respect to Schaefer.

Investigatory interviews were conducted by the Investigator from February thru April 2019. Documents/statements were obtained as necessary. (See attached.)

Interview/Statements List

The following is a list of those individuals interviewed either in-person or via teleconference, as well as those who provided statements relating to this investigation:

Mad River Fire:

Assistant Chief Jackie Ashworth
Ben Bear
Jenna Bennett
Captain Kenny Bostick
David Devore
Leslie Gardone
Michael Gardone
John Heath
Jeremy Leist
Paula Scott
Scott Sells
Ryan Shroyer
Tyler Sindle
Chief Tim Wendling
Captain Kurt Werner
Pam Weaver

Bethel Fire:

Chief Jacob King

Former Mad River Fire:

Chelsea Brooks
Jimmy Carpenter
Michael Newkirk
Kenny Rust
Cory Scanlan
Steve Schaefer

New Carlisle Fire:

Assistant Chief Richard Ritter
Chief Steve Trusty

Summary of Incidents

The recent complaints amongst the Mad River Fire Department are primarily focused on the hiring of Schaefer during the Spring of 2018; specifically, what the Fire administration may or may not have been aware of at that time, as that question appears to be at the center of most of the complaints. This summary, then, will address the complaints related to the hiring of Schaefer first, and other complaints will be addressed at the conclusion. Additionally, the hiring of Schaefer and what is/was known about Schaefer is a multiple-step process over the course of several years, and, therefore, this summary will address each part in order.

A. SUMMARY OF SCHAEFER'S EMPLOYMENT

Schaefer's First Stint at Mad River

Schaefer was a cadet for Mad River Township during high school, and joined Mad River Township EMS and Fire Department in 2003. He left Mad River's employment around 2009. There is nothing in his file concerning his time at Mad River (from 2003 to 2009) other than an application. Current employees who were also employed during this stint with Schaefer remember Schaefer as a lazy employee, but do not recall why Schaefer left.

Assistant Chief Ashworth, who was Assistant Chief during Schaefer's first stint, stated Schaefer left because he was being bullied by other employees, some of which are still employed at Mad River today.

Incident with an underaged Cadet (c. 2011)

The media reported (in January 2019) that a 2011 Clark County Sheriff investigation stated Schaefer had sex with a then 17-year old Mad River Cadet. The Sheriff's report allegedly states that Schaefer and the victim met while at Mad River, while she was in the Cadet program (the same program in which Schaefer participated while in high school). This investigation was not noted in any file related to Schaefer at Mad River; and the investigation was said to have occurred after Schaefer had left his employment with Mad River. Ashworth and Chief Wendling both stated they had no knowledge of the Cadet Investigation until the media recently reported it. However, several current employees who worked at Mad River in 2011 recall the investigation and knew of Schaefer's alleged involvement, and at least one (1) of them stated they communicated this incident directly to Wendling. No criminal charges were filed against Schaefer for this alleged incident.

Bethel Township Employment and Background

Schaefer worked part-time for Bethel Township Fire Department from mid-2009 to March 2017. His personnel file documents multiple discipline issues during this period concerning attendance issues, insubordination, inappropriate behavior, and a conduct violation resulting in a suspension. In February 2017, three (3) separate sexual complaints were said to have been filed against Schaefer by other employees regarding conduct that occurred on-duty at the Fire Station. Schaefer resigned, effective immediately on March 14, 2017, in an email to Chief Jacob King. The minutes from the Bethel Township Trustees in February and March 2017 show Chief King was appointed to investigate Schaefer for a violation of department standards and policies, and shortly thereafter accepted Schaefer's resignation. The media reported (in February 2019) that the resignation occurred before the investigation of several sexual complaints was concluded. One of the complainants at Bethel Township was subsequently employed at Mad River Township during Schaefer's application period and his employment at Mad River Township.

City of New Carlisle Employment and Background

Schaefer also worked part-time at the City of New Carlisle Fire Division from 2009 to 2010 and from 2012 to 2018. His personnel file includes multiple discipline issues ranging from damage to property, attendance issues, policy violations, patient care issues that resulted in a demotion from Lieutenant to Firefighter/Paramedic, and an insubordination incident that resulted in Schaefer's resignation in lieu of termination.

Hiring at Mad River

Schaefer received an application for employment at Mad River Township from Assistant Chief Ashworth in February 2018. The completed application was submitted by Schaefer and received by Mad River Township in April 2018. Reference checks were made to various current employees of Mad River Township, and to Schaefer's previous employers. Ashworth contacted Bethel Township Fire Chief Jacob King, and also City of New Carlisle Fire Assistant Chief Richard Ritter; Chief Wendling contacted City of New Carlisle Fire Chief Steve Trusty. A pre-employment interview of Schaefer was conducted by Ashworth and Captain Werner on May 24, 2018, with a second interview involving Chief Wendling being conducted the following week. The Trustees moved to proceed with Schaefer's hiring on June 4, 2018.

B. COMPLAINT #1 - SHOULD NOT HAVE HIRED STEVE SCHAEFER

Most of the complaints made to the Mad River Township Trustees shortly after the media stories of January/February 2019 involved the statement that the Fire Chief(s) were aware of the allegations the media now presented and hired Schaefer anyway. With the above facts and statements, the Consultant sought to identify what was known by the Fire Chief(s) prior to hiring Schaefer, including any notice they may have had that should have led to additional pre-hiring investigation of Schaefer.

Rumors

Immediately after Schaefer applied at Mad River Township, various employees indicated to the Investigator that rumors began amidst the Fire Department. Many employees stated they were aware of the reasons surrounding Schaefer's resignation at Bethel Township as numerous individuals work at multiple departments throughout the County. In addition, one of the alleged victims who filed a complaint, the content of which was both sexually and physically violent in nature, against Schaefer at Bethel Township was an employee of Mad River Township during the hiring process for Schaefer. Investigator was able to speak with this employee; however, as there is an active criminal investigation pending, she will be referred to herein as 'Employee X.'

There were various degrees of what Mad River employees said they knew of, or stated they'd personally heard, regarding Schaefer and Bethel Township, generally outlined as:

1. He left because he did something bad;
2. There was a sexual complaint against him; or
3. There was a sexual complaint filed by Employee X who works here.

And though many employees stated they may have ‘known’ or ‘heard’ something about Schaefer, very few acknowledged that they took that information to Administration. One reason given for this is because employees reported that as people would discuss Schaefer and their belief he should not be hired, Administration handed down so-called “Gag Orders” to forbid them from speaking about Schaefer, and that they feared retaliation in the form of reduced scheduled hours.

Both Wendling and Ashworth denied having any knowledge of the Bethel Township sexual allegations until the media reported same, but they did acknowledge issuing directives to various employees who were spreading rumors and tape-recording those conversations. Both Chiefs stated that they were following the advice of a previous Clemans Nelson report (c. 2017) to stop rumors before they started spreading, which could negatively impact the department. They further stated the rumors were derogatory in nature about people and the Department and were not specifically about Schaefer, and that the directives issued were not a form of discipline. Schaefer stated he was aware of some talk about his hiring, but that Wendling had told him that he [Wendling] had put a stop to the rumors about him [Schaefer]. There seems to be no real issue here concerning the directives in and of themselves. However, if the directives were issued solely because of comments about Schaefer, as some employees stated, it begs the question whether the Chiefs were stopping any rumors (as they stated) or protecting Schaefer (as the employees view it). Further, Wendling stated no one gave any facts to support the “rumors” and that he recorded all three (3) directive meetings, but has lost two (2) of the recordings that would validate this statement.

The statements provided to the Investigator about the directive meetings differ greatly, but multiple officers agree the Chiefs spoke at an officer’s meeting shortly after the directives were issued. The officers stated the Chiefs notified them that directives were issued regarding rumors being made around the department, including their belief that the rumors about Schaefer were only rumors because “no charges” were made. It was unclear if no charges were made concerning the Cadet Incident or the Bethel Incidents, or whether “no charges” referred to criminal charges.

Employee X

Ashworth stated that to be in compliance with the earlier Clemans Nelson report, she decided to be proactive and get ahead of the rumors and negative talk. Thus, when Ashworth heard that Employee X was claiming to have issues with the hiring of Schaefer, Ashworth stated that she met with Employee X to ascertain the nature of those concerns in June 2018. Ashworth stated that Employee X would only state that she did not like Schaefer and did not want to work with Schaefer. Ashworth stated Employee X never said why she did not like Schaefer and that Ashworth was able to assure Employee X that Schaefer and Employee X would never be scheduled together to accommodate her, and that seemed to satisfy Employee X.

Employee X portrayed a different version of various conversations and events. Employee X stated the above conversation did occur between Ashworth, Wendling, and herself. Employee X stated she was brought to the office and was denied having another employee accompany her inside. She was asked why she didn't like Schaefer and what her problem was with him. Employee X told them it was because of the sexual complaint she filed on Schaefer at Bethel Township and the Chiefs responded that they did not want to hear about "Bethel" and that they promised her that she and Schaefer would not cross paths.

Ashworth stated Schaefer and Employee X's schedule never overlapped nor were they scheduled at the same time. On occasions when the two (2) of them would have abutting shifts, it was stated that Ashworth would walk with Schaefer out of the building because they left at the same time. Ashworth provided text messages to detail that Employee X seemed to be okay with this arrangement.

Employee X stated this did not happen exactly as Ashworth claims. Although Employee X did state that Schaefer and Employee X never worked at the same exact time, there were a number of occasions when one would relieve the other, causing them to see each other. Employee X stated this caused her severe anxiety and (she) would wait outside the station until Schaefer left, many times (with Schaefer) being escorted by Ashworth (as witnessed by other employees). Employee X claimed she maintained this anxiety for the remainder of 2018, as witnessed by other employees, and explained to Wendling and Ashworth the reason for the anxiety was the hiring of Schaefer at Mad River and the complaints filed at Bethel Township. When Employee X left Mad River, she cited Schaefer as the reason she was leaving, and said she was later contacted by Ashworth to remove his name from her resignation as it is a public record. She stated Ashworth also instructed her to change the date on the resignation as she worked a shift after the date.

Ashworth and Wendling deny Employee X made these statements about her anxiety working with Schaefer and believed Employee X was happy working at Mad River as evidenced by positive text messages to the both of them. Ashworth denied asking Employee X to remove Schaefer's name from her resignation, but does admit asking her to change the date on the letter as Employee X had worked part of the next day.

It should be noted that even before Schaefer was hired, Employee X stated she came in to work one day and heard that the Administration was considering hiring Schaefer, and approached Wendling in front of two (2) witnesses and told him not to hire Schaefer because Schaefer had assaulted her at Bethel Township. She stated she had filed a complaint against him, and he (Schaefer) ended up resigning because of it. Employee X said she told Wendling that the Bethel Township incident was sexual misconduct, witnessed by others at Bethel Township who provided statements, and that she was scared of Schaefer. Employee X and the witnesses all stated that Wendling ignored

Employee X saying, “I don’t have time for this,” and “I don’t want to hear it.” Wendling denies ever talking to Employee X, except with Ashworth when it was agreed to not schedule them together. Wendling stated many people talk to him in passing and he does not recall all conversations, yet Wendling does admit an employee (who verified the statement was made), addressed Wendling after Schaefer’s hire and said ‘You [Wendling] should have talked to Employee X more before you hired Schaefer.’”

References

Before Schaefer was hired, calls were made to his previous employers (Bethel Township and the City of New Carlisle). Wendling and Ashworth both state that all references said Schaefer was a great paramedic and a great firefighter and no one provided negative information nor talked about the Bethel Township complaints. However, the personnel files of Schaefer at Bethel Township and City of New Carlisle both detail numerous incidents of discipline, including a demotion, and Schaefer resigned in lieu of termination at both employers. No personnel file was requested by anyone at Mad River Township during the hiring process of Schaefer (until the media reports in 2019). Ashworth stated it is not a common practice, though, to request a personnel file during a hire when a phone call will suffice.

However, the references in question dispute ever giving Mad River Township a favorable rating of Schaefer. Chief King at Bethel Township stated he told Ashworth when she called prior to Schaefer’s hire that Schaefer was never going to be rehired and went on further to explain all three (3) sexual complaints that had been filed against him, including that one (1) of the victims is Employee X. [Chief King was given a polygraph by Dick Emmons – with the Investigator present – regarding the statements that he discussed Schaefer’s sexual complaints with Ashworth and passed with no indication of deception]. Chief Trusty of the City of New Carlisle stated when he spoke with Wendling, he did state Schaefer was an okay medic, but Schaefer was ‘unhirable’; Trusty further explained that Schaefer had resigned in lieu of termination because of a policy violation. Trusty stated that Wendling then inquired if Schaefer’s discipline at New Carlisle was of a sexual complaint type nature like at Bethel, to which Trusty stated ‘No.’ Assistant Chief Ritter (of New Carlisle) also stated that he’d told Ashworth that Schaefer was a good medic, but was not a good employee and should not be hired.

Interview

Following the reference checks, the hiring process still proceeded for Schaefer at Mad River. Schaefer was asked the standard questions and rated by Ashworth and Werner. Ashworth, though, asked one (1) additional question during the interview and documented it on her evaluation form. In her writing, Ashworth wrote the statement that Schaefer does not have a problem with Employee X. Ashworth stated to me that she asked this question because she knew they (Schaefer and Employee X) had previously

worked together at Bethel Township. Ashworth also stated that Schaefer first left Mad River in 2009 because he had been bullied by employees still working at Mad River, but did not ask Schaefer if he would have a problem working (again) with those same individuals.

Schaefer stated the topic of Bethel Township and City of New Carlisle did not come up during his first interview. However, he said before he was hired, he was brought in again to speak privately with Wendling and Ashworth. The Chiefs had spoken with Trusty and King and wanted to get his side of the stories of why he left his previous employers. Schaefer provided them with his version of events leading to his resignation at both places, stating he smarted off to a superior at New Carlisle and believed the internal investigation into the complaints against him at Bethel Township was inconclusive. Schaefer stated Ashworth and Wendling had heard King's version of the complaints and felt that what happened at Bethel was "at Bethel," and further, there was nothing criminal in their interpretation of the stories. When told of Schaefer's statements, Ashworth called him during the investigation and recorded the phone call. During this call, Schaefer said he never told the Investigator he "sexually assaulted" anyone (which is true; no such statement was made to the Investigator). No other real value came from this call.

Scheduling

After Schaefer's hiring and the conversation that took place to ensure Schaefer and Employee X would not work together, a look at the work schedule confirms they were never scheduled to be at the station at the same time. However, multiple people stated that after Schaefer's hiring, they felt that if 'anyone' complained about the hiring they would have their hours cut on the schedule. A review of the 2018 calendar suggests this may have occurred; however, without a more detailed analysis taking into account leave requests, leave usage, call-outs, etc., the reason for a decline in hours cannot be confirmed.

It should be noted that Employee X worked nearly 50 hours a month before Schaefer was hired, and less than 20 hours a month afterwards. For the last three (3) months of 2018, the two (2) of them were scheduled to relieve each other on nearly every shift Employee X was scheduled, resulting in the text messages to Ashworth (who worked the same hours as Schaefer, allegedly waiting for Schaefer to leave the station).

Schaefer stated Ashworth knew of the issue with Employee X and himself and Ashworth made sure that the schedule worked out so they would not work together. When Employee X and Schaefer's schedules would abut, Ashworth always scheduled herself to work with Schaefer so that Ashworth could escort him out of the building, sometimes leaving before the end of shift so that Employee X would not see him [Schaefer].

Two (2) Factions

Both Wendling and Ashworth stated there was a group of employees who disagreed with their management style. At least one (1) other employee stated that there was a group of employees who were ‘after’ Ashworth specifically, and that if Wendling were fired too, he would be considered collateral damage. Testimony from the Mad River employees, and as noted later in the report, does indicate that there were a group of employees who supported the Chiefs and a group who felt they hired Schaefer despite multiple warnings of his previous alleged misconduct. It is very apparent there is a significant divide and communication gap between staff at the Department.

Wendling And Ashworth Polygraphs

During the week of May 13, 2019, both Wendling and Ashworth submitted evidence to the Investigator indicating they passed polygraph examinations by Carl Reeder – a well-respected polygrapher (see attached). The questions that were said to have been asked indicate that both Wendling and Ashworth were truthful about their knowledge of the Schaefer allegations – meaning that neither Wendling nor Ashworth had prior knowledge of Schaefer’s alleged misconduct (this contradicts the polygraph results of Chief King and other witness testimony). It should be noted that both Wendling and Ashworth took the polygraph examination of their own volition. However, the Investigator was neither present nor given any input as to the specific questions to be asked by the polygrapher, despite repeated offers and requests (by the Investigator) over the course of several weeks. Once completed, the polygrapher did send the questions and answers for the tests conducted for Wendling and Ashworth.

FINDINGS – COMPLAINT #1

While both Wendling and Ashworth were less than cooperative with respect to the polygraph, after receiving the results from Reeder, in the Investigator’s opinion there is not enough clarity in the investigation to file administrative charges under the statute and initiate removal proceedings. It should also be pointed out that when the Township Trustees became aware of the allegations against Schaefer, he was removed from the Department.

C. COMPLAINT #2 – HIPAA VIOLATION

A letter was presented to the Trustees (on February 12, 2019) detailing an incident from 2017 in what appears to be a complaint on Ashworth’s supervision on a call. After the letter was presented, Ashworth reported a HIPAA violation in that someone broke into the department files to obtain incident information for the letter, providing pictures of the file room. After speaking with some of the parties, it appears that multiple ‘master’ keys

have been provided to employees over the years. There was no tracking system in place to know who had been issued a key, and therefore no sure way to identify who may have had access to the file room. [This issue has since been addressed with a re-keying of the door.] Additionally, the letter was provided to the Trustees on February 12, and Ashworth states she found the file room in disarray on February 14.

FINDINGS – COMPLAINT #2

There is, unfortunately, no way to determine when the file room was entered prior to February 12, nor if anyone disturbed the file room after February 12 but before Ashworth entered on February 14. Further, the letter is dated July 2017 and the format is similar to several other incident narratives/complaints that Investigator observed while reviewing the personnel records. It does not appear to the Investigator to be a letter written in 2019 with data taken from a 2017 report as Ashworth claims, but more likely a copy of the letter submitted in 2017 to someone in the Department reporting the 2017 incident. As it is a copy, it could very well have been taken from the file room without observing patient data or could just as easily have been reprinted from someone's computer (who had a copy).

Investigator does not believe this incident requires further investigation, though it is worth noting the newly keyed door with a better tracking/accountability system for keys issued, along with a reminder of public records policies and HIPAA policies, should address this concern.

D. COMPLAINT #3 – COMMUNICATION/LYING-ETHICS

The 2017 Clemans Nelson report, referred to by many individuals throughout this investigation, detailed a communication issue in points 2, 5, and 6 up and down the rank structure of the department. Those issues remain today. There are numerous accounts of various stories that show the impact of the communication issues, none more obvious than the accounts of Schaefer's hiring. There is a state of fear and distrust throughout all levels of the Department that is toxic. Employees stated possible solutions include mass firings or simply that it can't be fixed due to personality or bias. Despite the communication concerns, everyone spoke highly of the Department as a whole as a good place to work and being very professional when it comes to the serving the public aspect of the job; it is the time between service calls when the problems seems to arise.

The communication between the ranks is lacking and seems combative when it exists. This is viewed, as stated by various employees, as a disrespect or violation of the chain of command/supervision or an abuse of power. There is extreme distrust and a division that has led most to assume that certain parties are lying no matter what they say. Yet, Fire

administration admittedly stated they have not disciplined those individuals they state 'lie' all the time.

One reason for this, from the Investigator's perspective, is a consequence of the part-time/volunteer Department. Employees spend anywhere from 20 to 130 hours a month, working less than 8-hour shifts mostly, and usually with the same group of people. This means some employees rarely see certain individuals, and in fact the Chiefs almost never work during the day, preventing them from interacting with any employee who only works days. There is not enough familiarity with people to change preconceived notions about them. Suggestions made by employees include a rewriting of policies and procedures, scheduling changes, and more team building/training.

The previously-documented communication issues continue to persist and it will take time to effect a change. Regardless, Investigator does not see evidence of blatant lying or scheming to undermine any individual in an effort to get them fired, and, therefore, does not support the notion that firing anyone who says something negative about another individual would be a positive solution.