

SUMMARY OF INVESTIGATIVE REPORT

RE: ALLEGATIONS OF WORKPLACE HARASSMENT and RELATED ISSUES

In March 2024, the Human Resources Director of the Board of Lucas County Commissioners received a complaint of harassment and bullying that created a hostile work environment, and of inappropriate, unprofessional behavior by the complainant's supervisor, Commissioner Anita Lopez. Commissioner Lopez was informed of the complaint, and both Complainant and Commissioner Lopez were told the matter would be investigated. The Senior Administration decided, after extensive discussion with counsel that the investigation would be conducted by a third-party investigator, who would be asked to report the findings and conclusions to the Board's outside general counsel, Fritz Byers. Under the authority of the Board, Mr. Byers retained Amy Natyshak, an experienced labor, employment, and human resources lawyer, to conduct the investigation.

Ms. Natyshak interviewed all witnesses with direct knowledge of the events raised by the complaint, and she reviewed documents provided by and on behalf of the Complainant. She reviewed all applicable policies and applied her knowledge of applicable laws and legal principles.

Ms. Natyshak produced a detailed investigative report, setting forth the background, identifying applicable legal principles and board policies and recounting in detail the statements of witnesses. The report also details Ms. Natyshak's conclusions about the events and their legal significance.

The report is privileged under Ohio law as an attorney-client communication. The Board values that privilege and therefore protects it from waiver or erosion. But in the interests of transparency and accountability, the Board provides this summary.

I. Allegations

The Complainant's allegations focus on five incidents involving Commissioner Lopez that occurred between March 6 and March 11, 2024. The allegations raise concerns about the creation of a hostile work environment; about inappropriate and unprofessional behavior by Commissioner Lopez; and about potential violations of Ohio's Ethics laws governing the conduct of elected officials.

II. Statements and other information.

As stated above, Ms. Natyshak interviewed all individuals with direct knowledge of the events.

Notably, the statements of the Complainant and Commissioner Lopez did not materially differ with respect to either the background of their relationship or the specific events in question, although their senses of context and intent varied significantly. To convey these differences, their respective statements about the background and about each incident will be summarized.

Two other witnesses – the Complainant’s father and the Board’s Communications Director - provided information about the context of the workplace relationship or about one or more of the matters under investigation. Where germane, their statements will be summarized.

A. Background of workplace relationship

In order to ensure that the specific allegations are placed in proper context, the investigation included an inquiry into the circumstances of Complainant’s hiring, as seen both by Complainant and by Commissioner Lopez.

1. Complainant’s description of relationship

Complainant was hired in January 2024 to serve as the executive assistant to Commissioner Lopez. Complainant did not have any prior experience as an executive assistant or in a political position.

Complainant said the first couple of weeks of working for Commissioner Lopez were fine but by the time he reported his complaint, their relationship was “horrible.” Complainant described that Commissioner Lopez’s behavior “got exponentially worse as the election [primary election for county commissioner] got closer.” Complainant said that about five days before making the report, he told his father that he would stop working for Commissioner Lopez right after the election. He tried to “tough it out through the election so I didn’t screw her over but due to the events that transpired, I didn’t care about leaving her in the dust anymore. It wasn’t worth the strain on [me].” Complainant has not communicated with Commissioner Lopez since the day he made the report, when he informed Commissioner Lopez via text message that he would be out sick and not working. She then asked him via text message just to work from home and handle her schedule, and he restated that he would not be working.

When asked how he would characterize his treatment by Commissioner Lopez, Complainant said “I would not say I was abused, but harassed, bullied, treated unprofessionally and inappropriately. Ridiculous.”

Complainant said that Commissioner Lopez constantly said that if she didn’t win the primary, she would be out of a job, Complainant would be out of a job and health insurance, and Commissioner Lopez’s kids can’t pay for their school. At first, he thought the stress of the campaign caused Commissioner Lopez’s poor conduct. But with time he realized “this is who she is.”

The Complainant stated that Commissioner Lopez told his father that “she’s working on herself and she said she has made some real changes.”

When asked whether Complainant believed that any of Commissioner Lopez’s conduct toward him was based on a protected characteristic, such as gender, sex, race, disability, etc., Complainant said “I don’t think so. In my heart I don’t think so.”

When asked how Commissioner Lopez’s behavior has affected him, Complainant said it has taken a toll on him. He doesn’t feel safe at his house. He says this is because she indicated her power to him many times and she has his address. When asked if he attributes this to these incidents with Commissioner Lopez, he said “100%.”

When asked if he tried to address Commissioner Lopez's conduct with her, he said that anytime he tried to clarify or explain something or defend himself, he was "screamed at or talked over."

Complainant does not have first-hand knowledge of anyone else who may have experienced similar conduct by Commissioner Lopez, and has not seen her conduct herself like this with others.

2. Commissioner Lopez's description of background

Commissioner Lopez said that others in the Commissioner's office supported Commissioner Lopez's opponent in the primary and Commissioner Lopez needed an executive assistant who could really support her and all that she had to do in the campaign. Commissioner Lopez said that Complainant was "falling short," and that he was "a kid."

Commissioner Lopez said that she needed to get an executive assistant quickly upon being appointed. Commissioner Lopez described how she talked with Complainant's father about Complainant as a possibility for the position. Commissioner Lopez arranged for a meeting with Complainant at a political event at Bar 145 so that Complainant could understand from the beginning that she does a lot of political events. Commissioner Lopez wanted Complainant to see that no matter where she goes, citizens want to talk or meet with Commissioner Lopez about taxes or economic development or other subjects. Commissioner Lopez told Complainant it's important for Complainant to start writing information and contacts in his phone so that he can follow up with these individuals with whatever their issues are. Commissioner Lopez said she wanted him to see that hers is not a typical schedule – she's more like an 11am-7pm – she's not finished with her day at 4pm. She needs to be available for working people during lunch and after hours.

After developing concerns about people's access to information about her schedule, Commissioner Lopez told Complainant she didn't want him to work at the office anymore, that she wanted him to work remotely, because if he was in the office, "anything can be blown up." Commissioner Lopez said that Complainant "looked scared to death every day." Commissioner Lopez realized it was more than Complainant had bargained for. She could tell he wanted to get buddy-buddy with other executive assistants even though Commissioner Lopez told him not to discuss anything with them. Commissioner Lopez told Complainant that even if your conversation regarding Commissioner Lopez's schedule is over the lunch hour, it might be overheard.

3. Complainant's father's statements regarding background

After Commissioner Lopez's appointment to the commissioner position, Complainant's father texted Commissioner Lopez congratulations. She invited him to a fundraiser, at which event, she told him that her executive assistant wasn't working out. He mentioned his son, Complainant, as a possibility. Eventually, Commissioner Lopez hired Complainant. The father said that at no time did either he or Commissioner Lopez suggest that if Commissioner Lopez hired Complainant, any consideration or remuneration would be given – there was no suggestion by either party of any kind of quid pro quo.

B. Descriptions of Incidents.

1. Incident 1 – March 6

a. Complainant's statement

Commissioner Lopez asked Complainant to confirm the time and date of a meeting for a local union. Complainant called and got the information. Commissioner Lopez called Complainant and said that Commissioner Lopez found out she was not allowed to attend the meeting because Complainant didn't confirm that Commissioner Lopez would be attending. Complainant said that is not what Commissioner Lopez asked him to do – Commissioner Lopez told him to confirm the time and date. Commissioner Lopez then said Complainant was costing her votes and donations by not making arrangements for Commissioner Lopez to be able to attend the meeting.

b. Commissioner Lopez's statement.

Commissioner Lopez said that the Thursday of her last fundraiser at El Camino, she was to attend three events that night – her fundraiser, the postal workers' event, and the union event. Then possibly she would go to the casino with a donor. Commissioner Lopez said that the union was expecting Commissioner Lopez to attend their event and that she went over the calendar with Complainant, including attendance at this event. She asked whether Complainant called and confirmed attendance at the event and Complainant said that he only confirmed the address. Commissioner Lopez said that she didn't understand how, after her talking with Complainant about it so many times, he could think he only had to call to get the address of the event. He said he thought she wouldn't be able to attend because she had her own fundraiser that night, which was frustrating to Commissioner Lopez, because most nights she has to attend multiple events – what would make him assume she won't attend something because there is another event that evening?

Commissioner Lopez said she learned of the problem with the union event when Commissioner Lopez reached out to the person heading up the union event saying that she was looking forward to seeing her, and the person said that they weren't expecting her and she wasn't on the schedule because no one confirmed. Commissioner Lopez couldn't believe that happened after she had recently told Complainant that for every event, he should be asking questions and doing everything needed for her to attend. She asked Complainant if he realized he "fucked up a \$10,000 event for me?" She said she couldn't believe he assumed she could only make one event each night. She said she would cross the desert in Egypt to attend an event like that.

2. Incident 2 – March 6 - Drive home from Hollywood Casino

a. Complainant's Statement

Complainant drove to a fundraiser that Commissioner Lopez was holding at El Camino Real Sky in Oregon, Ohio in the late afternoon. Commissioner Lopez told Complainant that she would be a little late and that Complainant needed to check people in, write down names, and "find anybody who would be a go-getter who could recruit Latino votes for her as they were checking in." Complainant said he wasn't trained to do these things, so he asked Commissioner Lopez for

clarification as to what he was to do, but Commissioner Lopez told him to use his best judgment. Commissioner Lopez said she wanted to get contact information for Latino voters so she could call people in the future – Complainant said that Commissioner Lopez frequently said that in the past “African-American and Caucasian voters were showing up at the polls to early vote and Latinos were not.”

Complainant observed Commissioner Lopez having one mixed drink at the fundraiser.

As the event came to an end around 7:00pm, Commissioner Lopez said to Complainant “okay, get in my car.” Complainant was not told ahead of time about having other responsibilities after this fundraiser, so he reluctantly said okay. Commissioner Lopez said they were going to a “postman union” meeting down the street. She said look out for any police, because, according to Complainant, she said “I can’t get caught driving right now.” Complainant said “I surmised she was over the legal limit.” Complainant said he offered to drive and Commissioner Lopez said “no, you drive too slow.” Complainant said Commissioner Lopez drove very fast at that time, but she always drives fast. Complainant said that he had no indication she was impaired at that time.

While driving to the postal workers’ meeting, Commissioner Lopez said to Complainant that after that meeting, they were going to the casino to gamble with one of her donors, and that Complainant would drive them there in Commissioner Lopez’s car.

During the drive to the postal workers’ meeting, Commissioner Lopez asked Complainant to open an envelope with the check from the donor that she received at the El Camino fundraiser and to tell her the amount of the check. It was \$10,000. Commissioner Lopez then said to Complainant that due to Complainant not confirming her attendance at the union meeting earlier that day, Commissioner Lopez lost another \$10,000 check.

Commissioner Lopez also told Complainant that he needed to confirm with the donor that he still planned on going to the casino with Commissioner Lopez. Complainant confirmed the casino outing.

Complainant then drove Commissioner Lopez in her car to the casino. She asked Complainant to stay around so that he could drive her home. Complainant didn’t gamble; he watched Commissioner Lopez and the donor play craps. Complainant witnessed Commissioner Lopez having three glasses of wine at the casino. Complainant said Commissioner Lopez didn’t say anything inappropriate at the casino.

Complainant said “upon getting in the car with her to drive her home, it started to get bad. She started rambling. She was definitely drunk, to my observation, knowing that she had at least four drinks and based on my observation of her slurred speech, choice of words, and more aggressive tone.”

Complainant said it was a 25-to-30-minute ride to Commissioner Lopez’s house. During the ride, Commissioner Lopez told Complainant that Complainant’s parents don’t care that Complainant has this job. Commissioner Lopez asked how much money Complainant’s family and Complainant have donated to Commissioner Lopez’s fundraiser. Complainant said that he had donated \$10 (because earlier that day, Commissioner Lopez called Complainant and asked Complainant to make sure the donation function on her website worked. She said he could just

donate 25 cents or 50 cents, just to make sure it worked. The minimum the website would allow was \$10, so Complainant donated that and confirmed the donation function worked). Complainant told her that his father and grandma each donated \$20 (they attended the fundraiser that evening). Commissioner Lopez then said “if I would’ve hired [another donor’s son], he would’ve given more than \$10,000. How much do you think [another donor] would’ve donated if I hired his son?” Complainant answered that he didn’t know. Commissioner Lopez asked the same question again twice more, with intensity. Complainant continued to answer that he didn’t know. Commissioner Lopez asked Complainant to “pick a number.” Complainant said he realized she was not going to stop, so Complainant said \$15-20,000. Commissioner Lopez then said “no, he would’ve donated \$50,000 to my campaign.”

Then Commissioner Lopez asked what her donors would think if they saw Complainant driving his car (2003 Honda Accord) to one of her campaign events. She then said “Your car is a piece of what?” Complainant didn’t answer. Commissioner Lopez said to him, “your car is a piece of what?” Then Commissioner Lopez asked a third time. She wasn’t going to stop asking so Complainant responded “junk.” Commissioner Lopez said “What does your piece of junk say to donors about what I pay you?” Complainant said that it’s the county paying him, not Commissioner Lopez. Commissioner Lopez repeated, firmly: “No, what does it indicate about what I pay you?” She added “you are working for a Democrat, so you need to have a union made car.” Complainant said that he takes his finances seriously and considers American cars pieces of junk. He didn’t know when he took the job he would have to have an American car. Commissioner Lopez said that Complainant driving his piece of junk car foreign cost her union donations.

b. Commissioner Lopez’s Statement

Upon being told of Complainant’s allegations regarding the drive from the casino to Commissioner Lopez’s home, Commissioner Lopez said that “nothing is untrue.” Commissioner Lopez said that she was trying to explain how important her calendar is, she was trying to show him why they had to be out at night doing events and meeting with people. She was frustrated at missing the union meeting so she felt it was the least he could do to do events with her that night. Commissioner Lopez said she felt duped at that point that Complainant didn’t know anything – that he couldn’t even confirm a meeting. She said Complainant is so green that he is not even grass – he is a seed. Even after causing Commissioner Lopez to miss the union meeting, she felt Complainant still seemed like he didn’t understand the import of what he did wrong. And that evening, Commissioner Lopez said Complainant looked as if Commissioner Lopez was intruding on his personal life. Commissioner Lopez confirmed she did have four drinks over the course of the evening – two events and the casino outing – but she was not impaired.

Commissioner Lopez agreed that she was reprimanding him during that drive and may have repeated herself or asked questions. She said the union “didn’t pick up the phone for me until yesterday. He felt blown off for me not being at that meeting.” Commissioner Lopez attributes that damaged relationship to Complainant’s failure to confirm her attendance at the meeting.

c. Complainant's father's statement

Complainant's father said that on March 7, Complainant called him and they spoke for 29 minutes. Complainant's father described that this was the first that Complainant related that there were "major issues" going on in Complainant's job. Complainant's father said that Complainant told Complainant's father about everything that Complainant described from the day before, including the fundraisers, criticism about Complainant losing donors for Commissioner Lopez, Commissioner Lopez having Complainant go to casino and drive her home, Commissioner Lopez berating Complainant the whole drive home. Complainant told Complainant's father that he didn't want to leave Commissioner Lopez hanging, that he wanted to get through the election for her, but Complainant said he didn't know how much more he could take. Complainant's father was concerned about Complainant based on what he was saying and the sound of his voice. Complainant's father thought it didn't sound like his son. He felt badly that he connected his son to this job

3. Incident 3 - Friday, March 8 – International Women's Day Luncheon

a. Complainant's Statement

Complainant was working remotely in the morning knowing he would be going to an International Women's Day luncheon at the hotel on Monroe and Summit from 11:00 am-1:00 pm. Around 10:20am, Commissioner Lopez called and asked Complainant to go to the luncheon early to find out if Commissioner Lopez could get on the schedule to speak and to do a proclamation. Complainant told Commissioner Lopez that it started in less than an hour and wasn't sure how possible it would be to get on the schedule now. Commissioner Lopez started "screaming" -- (Complainant pointed out that this is the first time in his statements that he used the word "screaming. "). Commissioner Lopez said Complainant needed to get it done. Complainant asked for clarification as to whether Commissioner Lopez had any more direction as to how to get this done and Commissioner Lopez screamed again and gave Complainant a name to contact there. Commissioner Lopez told Complainant to call Jessica Ford, County Administrator, first and find out how to get a proclamation written in a very short time.

Complainant called Ms. Ford who said they would need to contact the communications team and asked if Lisa Sobecki would also sign off on the proclamation because she would be there too. Complainant called Commissioner Lopez back and told her what Ms. Ford said. Commissioner Lopez said "who's your boss?" Complainant said "You are." Commissioner Lopez said "Jessica Ford is not your boss. I am. I don't need Lisa Sobecki to sign off on this." Complainant told Commissioner Lopez that she told Complainant to ask Ms. Ford how to get this done and he had done that. Commissioner Lopez said again that she is Complainant's boss, not Jessica Ford. Commissioner Lopez again told Complainant to talk to the person she had identified at the luncheon to get Commissioner Lopez on the schedule and Commissioner Lopez would work on getting the proclamation written up by someone in the auditor's office.

Complainant talked to the person overseeing the luncheon who said there is no time on schedule – not a second to spare. Complainant conveyed this to Commissioner Lopez and she told

him to find out if any other elected officials were speaking, that she should have a right if anyone else is speaking. Complainant went back to the person and they said the City of Toledo is presenting something, but that no elected officials were speaking. Complainant called Commissioner Lopez back and she said Complainant needed to find out who from the City of Toledo is speaking and what they're doing. Complainant went back to the person with this question – the person didn't know the answer and said that it's just on the program. Complainant called Commissioner Lopez to tell her and she asked Complainant if the mayor was at the luncheon. Complainant told her that he was not. Commissioner Lopez asked if anyone from city council was there, and Complainant said that he didn't know, that he wasn't certain if he knew all of the city council members. Commissioner Lopez yelled "How long have you been here?" Complainant answered "two months." Commissioner Lopez asked how long Complainant has lived in Toledo, and Complainant said "three years." Commissioner Lopez said "You don't know who is on city council? I can't make you care."

Commissioner Lopez said she would figure it out and told Complainant to stand downstairs at the venue, not to talk to anyone or let anyone see him, that Commissioner Lopez was arriving soon and Complainant was going to take her car and park it. When she pulled up, Commissioner Lopez told Complainant to get in the car, that Complainant would no longer be attending the event, and Complainant was to take his lunch break and place campaign literature on all of the cars in the parking lot. Complainant was disappointed not to be attending the event for which he had a ticket. It would've been a work event for Complainant that he was looking forward to. The Board of Lucas Commissioners bought a table. Commissioner Lopez told Complainant later that Katie Moline took his seat at the table. Complainant felt it was punitive that he was no longer permitted to attend, because he was unable to get permission for Commissioner Lopez to speak at the event.

Complainant then put campaign literature on cars in the parking lot. He slid the literature into the driver's side door jam, not on the windshield because Commissioner Lopez said people have to see it right when they get in. Complainant put well over 100 pieces of Commissioner Lopez's campaign literature on cars at that time.

b. Commissioner Lopez's Statement

When informed of Complainant's allegations regarding the Women's event, Commissioner Lopez generally agreed with Complainant's description of events. Commissioner Lopez said that she asked him to find out who was speaking and to see who was in attendance. Complainant asked her how he should do those things. Commissioner Lopez was alarmed that Complainant didn't know how to do these things. She felt like she had to do everything herself and really started to question what value Complainant brought to his position if he couldn't even do basic tasks. She asked him over the phone while he was at the event whether any city council members were present, and he said he didn't know who they were. Commissioner Lopez was very frustrated by that and expressed that.

She said when she arrived at the event and he came to her car and realized he wouldn't be attending the lunch, he was very sad and Commissioner Lopez again couldn't believe it. He was more concerned about his attendance at this lunch than successfully doing basic tasks of his job. She

again concluded he is clueless and thought “I can’t handle this.” Commissioner Lopez said that his having her miss the union meeting a few days earlier was still on her mind and she was frustrated.

c. Complainant’s father’s statement

On Friday March 8, Complainant called Complainant’s father at 12:40pm and they spoke for 20 minutes. Complainant told Complainant’s father that Commissioner Lopez was screaming at him about everything. An example that Complainant offered pertained to Commissioner Lopez’s calendar and the International Women’s Day event. Complainant told Complainant’s father that Commissioner Lopez would badger him with questions that she knew the answer to, trying to make Complainant feel stupid. Complainant said that this time it was Commissioner Lopez saying something like “Jessica is not your boss. I’m your boss.” Complainant said he didn’t know how much more he could take, that he couldn’t let himself be treated like that. Complainant’s father told Complainant that this behavior isn’t right, even though it’s during a stressful campaign.

4. Incident 4 -- Monday March 11 – Daytime telephone calls regarding community funding

a. Complainant’s Statement

On the morning of March 11, Commissioner Lopez called Complainant as he was heading into the office for an agenda meeting in preparation for the commissioners’ meeting the next day. Commissioner Lopez told Complainant not to go in to the office and, instead, to attend the meeting virtually. Commissioner Lopez told Complainant he needed to work from home that day and to get a meeting with Matt Heyrman or Jessica Ford to find out exactly what would be on the commissioners’ meeting agenda, and to tell them to let Complainant know if there were any changes thereafter, so that Complainant could let Commissioner Lopez know. Commissioner Lopez believed that the agendas were frequently changed and it blindsided her.

Complainant then attended the previously-scheduled meeting virtually. During that meeting, it was said that the community funding application link was still open and would be through the end of the year. Complainant made note of everything on the agenda, including what had changed from the draft agenda from Thursday or Friday, and then went over the changes with Commissioner Lopez, and told her the community funding link was still open and would be through the end of the year. Complainant didn’t have a separate meeting with Matt Heyrman or Ms. Ford regarding the agenda – he thought he got all of the information Commissioner Lopez requested.

Later that day, Commissioner Lopez called Complainant very upset, asking why Jessica Ford just said the community funding link was closed. Commissioner Lopez asked if Complainant had a one-on-one meeting with Ms. Ford, as Commissioner Lopez told him to, and he said he did not because he had gotten the information from the other meeting. Commissioner Lopez said that she told Complainant to have a meeting one on one with Ms. Ford, and asked Complainant if that was not true. She asked Complainant “who did I tell you to have a meeting with?” Complainant answered “You said either Matt or Jessica.” Commissioner Lopez repeated again, loudly, “I said,

who did I tell you to have a meeting with?” Knowing from prior experience this was going to continue, Complainant said “Jessica Ford.”

Commissioner Lopez found out that the community funding link had closed because she had texted Sarah Elms, Director of Communications, to find out about the community funding press conference. When Sarah Elms called Commissioner Lopez back, Commissioner Lopez and Complainant were on the call described above, so Commissioner Lopez merged Ms. Elms into their call. Commissioner Lopez was very angry. She asked if the community funding link is closing, and Ms. Elms answered yes. Commissioner Lopez said “[Complainant], what did you just tell me? Did you tell me the link was closing? I was told it was not closing! [Complainant] what exactly did you just tell me?” Complainant answered that he said it was not closing. Commissioner Lopez said “No, what were your exact words?” Complainant said that the community funding link was open through the end of the year. Commissioner Lopez said “So why am I being told it’s closed?” Complainant said Commissioner Lopez just kept repeating these statements over and over and that Complainant “just shut down.” Eventually Ms. Elms said that she cannot let the Complainant take the blame for this; that at the meeting, which she also attended, it was said that the link was open through the end of the year, although that was not accurate.

Commissioner Lopez was very angry toward Ms. Elms about this because Commissioner Lopez often has people ask about community funding opportunities – it’s one of the ways commissioners can give out funding to people in the community. Ms. Elms didn’t know the details of the link being closed but said Commissioner Pete Gerken wanted to have a press conference about it. Commissioner Lopez told Ms. Elms she wanted to push the press conference back, which Complainant said was “totally understandable because she didn’t know what was going on.” Commissioner Lopez’s voice was raised and she was using a very aggressive tone. Complainant said he tried to tune out the rest of the conversation, that he didn’t want to subject himself to that, so the rest of the call was between Commissioner Lopez and Ms. Elms.

After the call, Complainant felt that he had been harassed, based on the way Commissioner Lopez spoke and what she said. He believed the way she handled the situation was inappropriate and her expectations were out of line. Commissioner Lopez expected Complainant to have all the answers even when he received inaccurate information.

b. Commissioner Lopez’s statement

Commissioner Lopez agreed generally with Complainant’s version of events except she said she made it clear to Complainant that he was to talk with Matt Heyrman or Ms. Ford specifically about the agenda and that he was to make clear that Commissioner Lopez did not want to see any last-minute changes to the agenda, since she said there always seem to be last-minute changes that Commissioner Lopez is not told about. Commissioner Lopez said she told Complainant to “make sure they didn’t pull any last-minute shit, which they ended up doing anyway.” Commissioner Lopez agreed that she said that she is Complainant’s boss, and asked why he was afraid to follow up with others as Commissioner Lopez instructs him to do. It was clear to her at this point that he was not at all political and probably couldn’t do the job.

Commissioner Lopez agreed generally with Complainant's version of the phone call which Sarah Elms participated in, and again agreed she asked him questions about what Complainant told Commissioner Lopez about the link closing, tried to get him to admit that he gave her inaccurate information, and he didn't meet with individuals as she directed him to do, and didn't tell those individuals that Commissioner Lopez "didn't want any last-minute shit." Commissioner Lopez said she was furious on that call. She just learned that funding was closed when she had just been told it was open through the end of the year.

c. Sarah Elms's statement

Ms. Elms said she was part of a telephone conversation with Complainant and Commissioner Lopez on March 11. Ms. Elms said she called Commissioner Lopez to let her know that Commissioner Gerken wanted to have a press conference about community funding. Commissioner Lopez had a lot of questions, including why the press conference had to happen now and why it couldn't be next week. Commissioner Lopez also asked if there was any community funding remaining. Commissioner Lopez also asked if certain projects "went through." Commissioner Lopez asked Ms. Elms to ask Jessica Ford these questions and get back to her. Ms. Elms did tell Commissioner Lopez that the press conference is happening so that the commissioners can promote the funds they are giving away to the community. Ms. Elms suggested that Commissioner Lopez should attend but said it's up to her. Ms. Elms was surprised Commissioner Lopez wouldn't want the press conference before the election because most people running for office would see the press conference as a good opportunity.

Ms. Elms spoke with Jessica Ford to get answers to Commissioner Lopez's questions then called Commissioner Lopez back with answers and got her voicemail. Commissioner Lopez called her back and Ms. Elms said Commissioner Lopez was agitated and more "dug in" about not wanting the press conference. Ms. Elms told her that she agreed, she'd rather wait two weeks but it's happening and Commissioner Gerken wants it. Ms. Elms answered her other questions.

Then Commissioner Lopez said "well, [the Complainant] told me the portal was still open and there was no press conference." Ms. Elms was about to answer Commissioner Lopez and say that things change. But Commissioner Lopez said "[Complainant], what did you tell me was said [about the funding portal]?"

Ms. Elms was surprised because she had no idea Complainant was even on the call – she thought it was just herself and Commissioner Lopez. Commissioner Lopez asked the question again of Complainant but wouldn't let him answer. Commissioner Lopez just kept shouting, "tell Sarah what you said." Commissioner Lopez asked him again what was said at the meeting. Complainant was finally able to try to answer and he said something like there was a group discussion that there would not be a press conference, but then Commissioner Lopez cut him off and said again, "what about the portal, [Complainant]? What did Matt say?" Ms. Elms said that she had to interrupt and say that "at the commissioners' prep meeting, there was consensus that there was no press conference and Matt did say his understanding was the funding portal would remain open and rolling." Ms. Elms told Commissioner Lopez that Matt misspoke.

Commissioner Lopez then said something like “This is why, [Complainant], this is why. What have I told you? What did I tell you?” Complainant answered “you told me to ask questions.” Commissioner Lopez just repeated “what have I told you?” Ms. Elms reiterated that Complainant gave accurate information from the morning meeting. Ms. Elms said Commissioner Lopez didn’t acknowledge at all that Sarah was saying anything and it was suddenly a conversation between Complainant and Commissioner Lopez. Ms. Elms didn’t understand why Commissioner Lopez got so upset about this; she felt it was a minor thing.

After the call, around 4:30pm, Commissioner Lopez texted Ms. Elms and said she would do the press conference and answered other questions and then she apologized to Ms. Elms, twice, for being frustrated during the call.

Ms. Elms said that Commissioner Lopez had been so aggressive on the call that Ms. Elms called Jessica Ford that evening to tell her about it. Ms. Elms said that she would never talk to anyone like that, especially her assistant. Ms. Elms described it as berating. Ms. Elms wanted to give Ms. Ford a heads up in case this happens again.

5. Incident 5. Monday March 11 – Evening Telephone call regarding Latino youth summit

a. Complainant’s Statement

After working at the early voting center, Commissioner Lopez asked Complainant if he wanted to get margaritas with Commissioner Lopez and the other person who would be at early vote. Complainant declined and instead went to work out. That evening he sent Commissioner Lopez screenshots of the next day’s schedule for both Commissioner Lopez and Complainant.

On March 11, in the evening, Commissioner Lopez called Complainant and asked how she can be two places at once. On the calendar, there were two entries for the same meeting, and there was overlap with another meeting. Commissioner Lopez asked “what is Latino youth summit?” Complainant said it was a small entry in the calendar that was overlapped with another meeting and he didn’t see it until she just mentioned it. It was a meeting that Commissioner Lopez added to the calendar that Complainant was unaware of. Complainant admits that he didn’t see this meeting. It was the same color green in the calendar as another meeting, so he thought it was a duplicate, and there was something else right before it so that meeting overlapped it in the calendar. Commissioner Lopez texted Complainant and asked him what it was and Complainant said that he didn’t know about it and didn’t see it, and that he was sorry.

Later, Complainant was in his car at a gas station around 11:00pm and Commissioner Lopez called asking if Complainant confirmed every single meeting for tomorrow. Complainant said that he didn’t confirm the Latino youth summit meeting (the one he admitted he didn’t see until she brought it up). She asks again if he confirmed every single item for tomorrow. Complainant responded that he didn’t confirm the Latino youth summit meeting. Commissioner Lopez said again, did you confirm every single item for tomorrow? Complainant said her way is to repeat a question over and over until you answer how she wants even if that answer is wrong. Complainant answered finally that no, he didn’t confirm every single item for tomorrow. Commissioner Lopez then asked Complainant if he had a disability. Complainant said no and said that he was sorry he

didn't see the meeting. Commissioner Lopez said I don't want to hear you're sorry, I want to know if you confirmed every single thing for tomorrow. Complainant said he would text the meeting organizer right then to see if Commissioner Lopez could speak at the meeting. Complainant noted that Commissioner Lopez entered the time for the meeting completely wrong in the calendar – 8:30am-9:30am and it was from 9:00am-12:00pm. Complainant believed that had Commissioner Lopez entered it for the correct time, it wouldn't have had the same overlapping effect which made it harder for him to see on the calendar.

Commissioner Lopez continued to ask in a badgering fashion whether Complainant confirmed every item for tomorrow. She asked more than once if Complainant had a disability. Commissioner Lopez then asked if Complainant is addicted to drugs. Complainant believes Commissioner Lopez was “drunk.” Complainant doesn't think Commissioner Lopez believes he had a disability; it was just an insult. Had she just asked once, it might have been out of true concern. Commissioner Lopez went on to say that she could easily give Complainant's job and health insurance to someone else tomorrow. She asked if Complainant really wants to lose his health insurance. She said that Complainant's heart isn't in this, that his parents forced him to get a job. Commissioner Lopez “strongly hinted that I wasn't doing things right and I need to ask myself if I really want this job.” Complainant said “‘if you want me to resign, I'll resign.’ I was done at that with being bullied and harassed. But Anita said ‘No, you have to make that decision for yourself. I'm texting your Dad. You figure it out.’”

Commissioner Lopez sent back to Complainant three times the screenshot of the calendar with the meeting he didn't see. Commissioner Lopez kept saying things like “how can you possibly not see it?” Complainant explained it was small and in the same color. Complainant said Commissioner Lopez “didn't want to hear it.” Commissioner Lopez said that Complainant's job is so simple and Complainant has a good title for a glorified scheduler. She hung up on Complainant around 11:28pm.

b. Commissioner Lopez's Statement

Regarding the March 11 nighttime phone call, Commissioner Lopez said that Complainant overlooked something on her calendar (the Latino youth summit) and it was clear to her that it was still not registering for Complainant that he had to confirm everything on the calendar – not just location and time, but also the expectations of Commissioner Lopez when she is there.

Commissioner Lopez said he always had an excuse for his mistakes – for example, for the Latino youth summit oversight, saying it happened because it was a small entry in the calendar and a different color so it was easy to overlook. Her response was that is why Complainant is supposed to confirm everything – so that there aren't any mistakes or oversights.

Commissioner Lopez agreed that she was really frustrated on that call and doesn't deny she asked if he had a disability and in fact believes she asked if he needed a reasonable accommodation to do his job. Commissioner Lopez said that she meant it – she was not trying to joke or be insulting – she genuinely thought there must be something wrong if this person can't figure out after being told so many times that he has to do such basic things in connection with his job. Commissioner

Lopez said “I asked if he needed a reasonable accommodation because something’s just not clicking. I meant that genuinely. I’m dealing with an adult who can’t do these things. I just reamed your ass last week (for the Women’s event) and you just did it again.” So, Commissioner Lopez couldn’t believe after that and the union event he still didn’t do the simple but important task of confirming an event. She thought there must be something wrong with him.

Commissioner Lopez said she also reached out to Complainant’s father the evening of March 11 and said that he needed to go over basics with Complainant, that she needs Complainant to do things, and that there is no excuse at this point. Commissioner Lopez thought Complainant’s parents were probably telling Complainant to “beat her [Commissioner Lopez] to HR.”

c. Complainant’s father’s statement

Complainant’s father said that he saw after he got on the phone with Complainant on March 11, that Complainant’s father had received a text message from Commissioner Lopez at 11:28 p.m. stating “I have asked every day for [Complainant]to confirm my daily calendar. Each week since I started, I have asked in hopes he understood. I cannot be sent in 120 directions.” Then Commissioner Lopez sent a screenshot of a calendar. Complainant’s father could tell from looking at this calendar that the time for the Latino youth summit was incorrect because he attends this also.

Then at 11:49 p.m., Commissioner Lopez said “I am under enormous stress and I simply need to know if he confirmed where am I supposed to be. And I cracked today kindly...” Then one minute later Commissioner Lopez texted “I honestly have no idea where I’m going or leaving.”

Complainant’s father responded “Anita, this feels wrong.” Then Complainant’s father tried to call her. It went to voicemail. Complainant’s father texted her to please call him back. He sent additional text messages that night in hopes of talking with her. He didn’t hear from her again until the next day at 7:48 a.m. when she said “I’m available to speak if you wish.” Complainant’s father responded at 8:51 a.m. “I’m not able to talk to you at this point.” Commissioner Lopez then texted “I understand. My phone went out last night and I apologize period. I wanted to speak to you about it.”

C. Complainant’s reaction and decision after March 11 nighttime phone call.

Complainant told his parent what had happened and that he was done working for Commissioner Lopez. Complainant had planned on resigning. He didn’t want to go to pursue a complaint with Human Resources. Complainant also told his parents he was scared Commissioner Lopez would do something to come back on Complainant or hurt him.

Complainant said that his parents told him that HR could put Complainant into another position in the county. Complainant told them he didn’t feel comfortable working at the county because Commissioner Lopez said how much power she has over all county departments.

Complainant did contact the HR department to request an urgent meeting. And he told his co-workers that he would not be able to do any more work to prepare Commissioner Lopez's folder for the commissioners' meeting.

He was placed on paid administrative leave.

D. Commissioner Lopez's reflections on the events

Commissioner Lopez said the County provides no real training for executive assistants that she can see. She said she assumed with Complainant's event-planning background, he would at least be able to plan events and have some follow through on scheduling and related matters.

Commissioner Lopez said that Complainant is 27 years old and yet his dad walked him up to HR after he made the complaint. Commissioner Lopez said if he comes back to the county for work, everyone will be saying that he survived Anita Lopez, and then you walked in with your dad. Commissioner Lopez noted that Complainant never demonstrated animosity or frustration – she said Complainant's father was more upset than Complainant.

Commissioner Lopez explained her intensity in communicating with Complainant by saying that she cross examines-employees like a hostile witness when she knows they're not entirely telling the truth or won't admit to something. She said it's a bad habit and comes from her legal background. When asked if she thought she could change something like that, she said "when adults lie to me, I treat them like a hostile witness. I can't contribute to putting ineffective, not passionate governmental officials in office who just drain our budget."

Commissioner Lopez said she told Complainant that being Commissioner is not a job but a passion for her, and to not serve the public is heartbreaking for her. Commissioner Lopez went on that she gave up a guaranteed full-time job at the auditor's office because she wanted this; this is what she loves to do. She added that "we need financial accountability at the commissioner's office. I'm a lawyer. I can do that. I'm good at it. I had other choices."

Commissioner Lopez added "I cracked. The good and the bad about me is I'm so transparent about everything. I call a spade a spade."

Commissioner Lopez said Complainant did fine at the beginning because she coddled him. Then when she actually asked him to be responsible for her calendar and confirm events, he couldn't. First the "big miss" with the union then the Women of Toledo event, then the Latino youth event – each one after being told very clearly that can never happen again. Commissioner Lopez said it was clear there was something missing with Complainant, and she just wasn't getting the whole package.

Commissioner Lopez said she was so direct with him during that the March 11 phone call because of the stress of the campaign and the realization that she didn't "have someone to do it or who could do it. He didn't want to get better." She added that his tone and attitude were flippant – he wouldn't just admit that he made a mistake."

E. Statements regarding campaign work

1. Complainant's statements

Complainant said that Commissioner Lopez never asked Complainant to contribute to her campaign. He said she criticized that Complainant didn't donate more but she never asked him directly to contribute. She also never asked Complainant directly about asking his family to contribute. She just criticized that they didn't contribute more.

Complainant said that Commissioner Lopez "frequently told me that I need to take my personal days to help her with her campaign at the early vote center and if I didn't have enough days, I'd need to take unpaid time from work. She didn't say that she would pay for that time."

Complainant said that Commissioner Lopez also referenced that if she didn't win, they were both out of a job. Complainant has one screenshot of a text message in which Commissioner Lopez asks him to do campaign work, but he says that she said it multiple times. And Commissioner Lopez told Complainant not to tell anyone why he was taking personal and unpaid days (working on the campaign). Complainant said Commissioner Lopez never conveyed this kind of information – related to him working on her campaign – on the work phone or at work or in a work building.

Commissioner Lopez told Complainant that he "needed to work at the early vote center [for Commissioner Lopez's campaign] with her when I got off work and that the early vote center work would be done at 8:00 p.m." Complainant said that his normal workday is 8:30 a.m.-4:30 p.m., which seemed to be everyone else in commissioners' office's workday too. When asked how Commissioner Lopez asked him to be at the early vote center, she said "Come over to the early vote center after work and you'll be there until 8pm." When asked if Commissioner Lopez ever said she would terminate Complainant's employment if he didn't do the campaign work she asked him to do, Complainant said, "Did she ever say 'I will let you go'? No, but it was implied because she frequently said if she doesn't win the election, neither of us will have a job." Complainant described that Commissioner Lopez didn't ask if Complainant wanted to work on the campaign – she just told him he will be doing work for the campaign.

Complainant then said there may have been times that he was being paid for his executive assistant job while working on Commissioner Lopez's campaign though he didn't provide any examples. Complainant said that mostly Commissioner Lopez would suggest he do the work on his lunch hour or after work. Commissioner Lopez asked Complainant to write a campaign piece for the Sylvania Advantage and told him to leave the building while writing it. Sometimes he was asked to drive a volunteer to the early vote center to support Commissioner Lopez's campaign. Complainant said he remembers mostly doing that around lunch. Commissioner Lopez told Complainant not to use county phones for the campaign and not to use his work laptop.

The commissioners' executive assistants have a flexible schedule as to when they take their lunch. In fact, they might choose not to take a lunch at all and to leave the day early. In his observation, it's up to each individual.

2. Commissioner Lopez's statements

Commissioner Lopez said that Complainant said many times – “over and over” – that he wanted to learn the campaign aspect of Commissioner Lopez's position. At times, Complainant would text Commissioner Lopez and ask if Commissioner Lopez needed him to do anything (in relation to the campaign). Commissioner Lopez said that at one point she had to text Complainant to tell him he can't do campaign work on county time. Commissioner Lopez gave the example of a campaign submission that was going to the Sylvania Advantage publication, and Complainant said that he was going to talk with Sarah Elms about it to get some ideas, and Commissioner Lopez told him “that's illegal.” She also told him multiple times that he can't make calls or do other campaign work on county time. She told him that if he wanted to work at early voting, he would have to take time off. Commissioner Lopez said that it was Complainant who asked if he could move up his lunch hour at times to do campaign work. She said it was never Commissioner Lopez demanding that Complainant change his lunch or take time off – that he offered to do so, and she would tell him that if she doesn't win the primary election, they'll both lose their jobs. She said he can take time off if he wants to be out there with her. Commissioner Lopez said she never directed him to work on her campaign. She also said there was never any quid pro quo in Complainant's hiring, with his father or anyone else.

III. Relevant Policies and Laws

A. Policies

The Board has a workplace policy that reflects the Board's commitment to maintaining a work environment free of harassment. The policy expressly prohibits harassment for any reason. In particular, it prohibits verbal, written, or physical conduct that denigrates or shows hostility or aversion toward any individual, if the conduct (a) has the purpose or effect of creating an intimidating, hostile or offensive work environment, (b) has the purpose or effect of unreasonably interfering with an individual's work performance, or (c) otherwise adversely affects an individual's employment opportunities. The policy also prohibits bullying, defined as inappropriate behavior, whether verbal, physical, or otherwise, conducted by one or more persons against another or others which may result in mistreatment that harms, intimidates, offends, degrades, or humiliates and employee or member of the public at the place or work or during employment.

B. Laws and legal doctrines – hostile work environment.

State and federal law protects employees from a hostile work environment. This doctrine refers to a type of workplace harassment that is severe or pervasive enough to create a work environment that a reasonable person would find intimidating, hostile, or abusive. While hostile work environment is a commonly-used term, in the context of a legal matter, it is specifically associated with certain types of unlawful discrimination or harassment – that based on race, sex, religion, disability, or other protected characteristics.

Therefore, in order to constitute an unlawful hostile work environment, the harassment must be based on a protected characteristic (and must be severe or pervasive enough to create an intimidating, hostile or abusive work environment, based on the reasonable person standard).

Unlike unlawful harassment based on a protected characteristic, inappropriate, unprofessional conduct in the workplace is not unlawful. It may be undesirable; it may necessitate corrective action; steps may be taken in response to it, but it is not unlawful and there is no BLCC Policy that is violated by its presence in the workplace.

C. Campaign laws

Ohio law prohibits certain conduct in connection with election campaigns, including:

- R.C. 3517.09: Coercing political contributions
- R.C. 3517.092: Solicitation of political contributions from public employees by appointing authorities.
- R.C. 3599.05: Employer shall not influence political action of employee
- R.C. 2921.43(C): Soliciting or accepting improper compensation.

D. Ethics laws

Sections 102.03 (D), (E), (F) and (G) govern the conduct of elected officials, including county commissioners.

IV. Findings

A. Workplace behavior

Ms. Natyshak found that Commissioner Lopez's conduct violated the Board's Harassment-free Work Environment Policy; specifically, the sections of the Policy entitled "Personal Harassment" and "Bullying."

In particular, Ms. Natyshak found that Commissioner Lopez's behavior constitutes personal harassment within the meaning of the policy. Commissioner Lopez's behavior in connection with the March 6 conversation during the drive home from the casino, the March 11 daytime phone calls regarding the community funding link, and the March 11 nighttime phone call all involve behavior on the part of Commissioner Lopez that constitutes personal harassment under the policy. Each incident involves verbal conduct that denigrates or shows hostility or aversion toward any individual, that has the purpose or effect of creating an intimidating, hostile or offensive work environment, or has the purpose or effect of unreasonably interfering with an individual's work, or otherwise adversely affects an individual's employment opportunities. Ms. Natyshak expressly found that Commissioner Lopez's behavior, as described by Complainant and as was largely unrefuted by Commissioner Lopez, fulfills all of the elements of the policy definition

Ms. Natyshak likewise found that Commissioner Lopez's behavior in the same three incidents constitutes bullying under the policy. Her behavior, as described by Complainant and as

essentially admitted by Commissioner Lopez, was inappropriate and resulted in mistreatment that harmed, intimidated, offended, degraded and humiliated Complainant during employment.

Of the examples of prohibited bullying behavior set forth in the policy, Commissioner Lopez's behavior would fall under these examples listed in the policy:

- Direct or indirect threats
- Threatening, abusive, or harassing e-mails or telephone calls
- Name calling
- Directing profanity toward or about others
- Shouting or voice raising in a threatening or hostile manner at an individual in public or private

Ms. Natyshak did not find that unlawful harassment based on protected-class status occurred. There is no indication that Commissioner Lopez's behavior toward Complainant was based on legally-protected characteristics or classifications, such as age, ancestry, race, or sex.

B. Campaign and Public Ethics Laws

Ms. Natyshak found that events described in the allegations and in the statements of Complainant and Commissioner Lopez did not violate Ohio laws on campaign and public ethics.

Complainant does not allege that Commissioner Lopez required Complainant to perform work on Commissioner Lopez's campaign while he was on work time; in fact, Complainant expressly stated that Commissioner Lopez told him it was "illegal" for him to work on her campaign while being paid by the county or in a county building. Commissioner Lopez was likewise clear that she knows the law on this topic and would not have permitted Complainant to work on her campaign while on county time or on county property. Both Complainant and Commissioner Lopez stated that Commissioner Lopez mentioned Complainant possibly taking unpaid time off of work to help with the campaign. Complainant was not forced to help with the campaign and on numerous occasions declined Commissioner Lopez's requests that he do so.

While Commissioner Lopez commented to Complainant about his and his family's campaign contributions, Complainant did not state, or is there any evidence, that Commissioner Lopez forced him or his family to donate or that there was a suggestion of quid pro quo – that Commissioner Lopez would give Complainant the job or some other consideration if he or his family donated to her campaign.

Ms. Natyshak found that none of the facts alleged by Complainant regarding campaign work or contributions constitute a violation of Ohio law.

V. Responsive Actions

The report notes that Commissioner Lopez is an elected official rather than a Board employee and that, therefore, the range of possible responsive actions is different from those that

would otherwise be available. In particular, an elected official's violation of workplace policies may result in:

- Removal from office pursuant to R.C. 3.07.
- Criminal charges if rising to the level of criminal conduct.
- Ohio Ethics Commission investigation/findings which may include reprimand if Ohio Ethics laws are violated.

Ms. Natyshak found that under established law and precedent, Commissioner Lopez's conduct did not rise to the level of serious legal violations warranting removal from office, nor did it rise to the level of criminal conduct. She likewise found that the conduct did not violate campaign laws or ethics laws, and therefore no referral of these matters was warranted.