

1 OFFICE OF THE ATTORNEY GENERAL

2

3

4 IN RE: STANKOSKI/STOUT EEO  
COMPLAINT INVESTIGATION

5

6

7

8 CONFIDENTIAL INTERVIEW OF

9 EDGAR C. SIMPSON, VOLUME II

10

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

14

15

on April 16, 2008, at 2:37 p.m.

16

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

18

19

--0--

20

21

22

23

24

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@priohio.com - www.priohio.com

1 PRESENT:

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

5

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

9

10 -=0=-

11

12

13

14

15

16

17

18

19

20

21

22

23

24

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@priohio.com - www.priohio.com

1 INDEX OF EXAMINATION

2 PAGE

3 BY MS. PFEIFFER: 54

BY MR. ESPY: 77

4 --0--

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@priohio.com - www.priohio.com

**\*\*CONFIDENTIAL\*\* EDGAR C. SIMPSON**  
**APRIL 22, 2008**

1 MR. ESPY: This is the continuation of  
2 the interview of Edgar Simpson.

3 You're still under oath. Raise your  
4 right hand, please.

5 EDGAR C. SIMPSON  
6 being first duly sworn, as hereinafter  
7 certified, says as follows:

8 EXAMINATION

9 BY MS. PFEIFFER:

10 Q. Thank you again for making yourself  
11 available. I know we spoke to you earlier this  
12 week, I believe. We just had a couple follow-up  
13 questions, and we've obtained a little bit more  
14 information we would like to talk to you about.

15 A. Sure.

16 Q. All right. I know earlier during your  
17 first interview, we discussed when the office  
18 received text messages from a Mariellen Aranda

19 back in October of 2007. Do you remember that?

20 A. I remember the discussion, yes.

21 Q. Okay. And I believe -- and correct me

22 if I'm wrong, but I believe you stated that you

23 instructed Stephanie Bostos-Demers to give the

24 text messages to Leo Jennings; is that correct?

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.io.com - www.prio.io.com

**\*\*CONFIDENTIAL\*\* EDGAR C. SIMPSON**  
**APRIL 22, 2008**

1 A. I don't believe so. I believe I said  
2 that I know Leo had them, and I wasn't quite  
3 sure how he had gotten them.

4 Q. Okay. How did you know Leo had them?

5 A. I saw them in his hands in his office.

6 Q. Would that have been right around the  
7 time that Mariellen Aranda came to HR about  
8 them?

9 A. Boy, I don't recall. I don't recall.

10 Q. Did you take the text messages back from  
11 him?

12 A. No, I -- no, I do not believe so.

13 Q. Did he tell you what he was going to do  
14 with them?

15 A. No.

16 Q. Did you see them again after you saw him  
17 with them?

18 A. No. What -- no, not until the -- not

19 until March, when there was a compilation of  
20 everything involving the allegations.

21 Q. Do you know who gave them to him?

22 A. I don't recall. I do not know. I'd  
23 have to -- I could guess, but I would rather not  
24 guess.

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.io.com - www.prio.io.com

**\*\*CONFIDENTIAL\*\*** EDGAR C. SIMPSON  
APRIL 22, 2008

1 Q. So the only -- you don't know for sure,  
2 you just have a guess?

3 A. I don't know for sure.

4 Q. Do you know if he spoke with Tony about  
5 these text messages?

6 A. I don't know.

7 Q. What was your discussion with him when  
8 you saw him with the text messages?

9 A. The discussion was -- well, the  
10 discussion was, do you know anything about this.  
11 We talked about it. And I did ask him to speak  
12 to Tony about it. And that's about all I  
13 recall.

14 Q. Did you follow up with him whether or  
15 not he did speak to Tony?

16 A. I believe later he said he did. In  
17 term -- yes.

18 Q. Why did you not talk to Tony?

19 A. Well, I believe Joyce had intended to  
20 talk to Tony. I knew Leo and Tony had a  
21 relationship. I did not speak to Tony in an  
22 official capacity.

23 Q. Did you talk to him in an unofficial  
24 capacity?

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\*** EDGAR C. SIMPSON  
APRIL 22, 2008

1 A. About the text messages?

2 Q. Yes.

3 A. I don't recall.

4 Q. Did you talk to him at all about issues

5 that you might have had in regard to he's

6 supervisor of employees and the appropriateness

7 of any relationships that he had?

8 A. At that time?

9 Q. At any time.

10 A. Oh, yes, we had several discussions.

11 Q. Okay. Tell me about those.

12 A. I just made it -- I just made it very

13 clear that he was not to have contact -- you

14 know, off-work contact with the employees in the

15 office, especially, quite honestly, the younger

16 female employees. I expected him to be

17 professional. I expected him to do the right

18 things. I expected him to communicate with

19 Joyce on a regular basis. We had that

20 discussion several times.

21 Q. Do you recall approximately when the

22 first time it was that you spoke with him?

23 A. I do not.

24 Q. Do you recall what had occurred, what

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\*** EDGAR C. SIMPSON  
APRIL 22, 2008

1 information you received that would prompt you  
2 to have this discussion with him?

3 A. There was -- there were -- as I stated  
4 last time, there were rumblings and rumors.  
5 There wasn't anything what I would -- what -- it  
6 was mainly rumbles and rumors. And Joyce had  
7 mentioned that she had heard some things, and  
8 that was the genesis of the -- the very first  
9 discussions.

10 Q. Would this have been prior to Mariellen  
11 Aranda complaining in October of 2007?

12 A. No, no. It would have been -- it would  
13 have been -- well, there were -- about this  
14 issue, no, it would have been after that, to my  
15 recollection.

16 Q. And you said there were rumors. What  
17 kind of rumors did you hear?

18 A. Just inappropriate behavior off work.

19 Q. Drinking?

20 A. Yes, that had come up.

21 Q. Drinking with coworkers?

22 A. Less so drinking -- less so with

23 coworkers. That really wasn't one of the

24 issues. It was just that Tony would drink.

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.io.com - www.prio.io.com

**\*\*CONFIDENTIAL\*\*** EDGAR C. SIMPSON  
APRIL 22, 2008

1 That was more the issue.

2 Q. Okay. I think probably a lot of  
3 employees drink. Tell me what it is about his  
4 drinking that caused you to talk to him about  
5 it.

6 A. It was a pretty casual discussion. It  
7 was about -- you know, every night seemed  
8 excessive to me, and it seemed like he was out a  
9 lot of nights. So I just -- we had a casual  
10 discussion about it.

11 Q. Did you have concerns about him  
12 frequenting nightclubs and bars within the  
13 downtown area, close to the State Office Tower?

14 A. Not specifically, no.

15 Q. Now, you said after October, 2007, you  
16 spoke with him on several occasions about  
17 especially any kind of inappropriate conduct he  
18 was having with female subordinates; is that

19 correct?

20 A. Basically. I mean, there were rumors.

21 I addressed those with Tony. He swore up and

22 down they were not true. And I said that

23 regardless of the veracity, it's a problem, if

24 there are these kind of persistent rumors, and

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@priohio.com - www.priohio.com

**\*\*CONFIDENTIAL\*\*** EDGAR C. SIMPSON  
APRIL 22, 2008

1 that you need to address whatever you're doing  
2 that may cause this kind of talk, you need to  
3 address that.

4 Q. And, again, I don't mean to be  
5 redundant, but what specifically were those  
6 rumors?

7 A. Well, one rumor was that he had or was  
8 having inappropriate contact with one of the  
9 female employees.

10 Q. Do you know who that was? Did you have  
11 a name?

12 A. It was just a rumor. I mean, do you  
13 want the name?

14 Q. Yes, please.

15 A. It was Vanessa.

16 Q. Other than speaking with Tony and  
17 telling him he needed to address that, did you  
18 give him any direction as to how he was to

19 address it?

20 A. At that particular time? Well, I mean,

21 I think I repeated what Joyce, I'm sure, told

22 him, which is, you need to watch your behavior,

23 not just during work hours but after work, as

24 well.

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@priohio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\*** EDGAR C. SIMPSON  
APRIL 22, 2008

1 Q. He indicated to you that he understood?

2 A. He did.

3 Q. He denied that he was having --

4 A. He denied any inappropriate contact. He  
5 said, you know, I'm flying right, Ed.

6 Q. We have heard from several individuals  
7 about an incident that allegedly occurred right  
8 around Christmastime where the Attorney General  
9 and his wife walked around the State Office  
10 Tower and gave out Christmas gifts. I think  
11 they were mugs with candy in them.

12 A. Uh-huh.

13 Q. And it has been told to us that some  
14 general service employees, specifically Cindy  
15 Stankoski and two or three of the male general  
16 service employees, were setting up some video  
17 equipment on the 17th floor, and Marc Dann and  
18 his wife were perusing around and handing out

19 the gifts.

20 A. (Witness nods head.)

21 Q. It's been told to us that Marc Dann's

22 wife acted strangely towards Cindy Stankoski

23 when she found out who her name was, she got

24 close up in her personal space, glared at her.

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prioio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\* EDGAR C. SIMPSON  
APRIL 22, 2008**

1 Did you witness this?

2 A. I did not.

3 Q. It's also been reported to us that  
4 sometime around this incident, might have been  
5 thereafter, there was an occasion where you and  
6 Marc Dann's wife were in an elevator, and I  
7 believe either Vanessa Stout and/or Cindy  
8 Stankoski got onto the elevator, and thereafter,  
9 Alyssa apparently stared her down.

10 A. I don't recall an elevator. I mean, I  
11 believe there was right by the elevator. Do you  
12 mean in the elevator?

13 Q. It might have been by the elevator. If  
14 you --

15 A. Well, the short answer is I -- I would  
16 not try to define staring down. I don't know  
17 what that means.

18 Q. Okay. Allegedly, Tony told individuals

19 that you actually reprimanded Alyssa -- what's

20 her last name?

21 A. Lenhoff.

22 Q. Lenhoff.

23 A. Uh-huh.

24 Q. You actually reprimanded Alyssa Lenhoff

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\* EDGAR C. SIMPSON  
APRIL 22, 2008**

1 for allegedly intimidating this individual. Did  
2 you do that? Do you recall that?

3 A. I don't recall that. I mean, Alyssa's  
4 not an employee. I couldn't reprimand her.

5 Q. Okay.

6 MR. ESPY: Is admonish a better word?

7 THE WITNESS: That's too strong.

8 BY MS. PFEIFFER:

9 Q. Did you have a discussion with her about  
10 that?

11 A. No, I would not call it a discussion.

12 Q. What would you call it?

13 MR. ESPY: Observation.

14 THE WITNESS: Observation is more  
15 closer, yes, sir.

16 Q. And what did you observe?

17 A. It was an uncomfortable moment. And  
18 that's the best way to characterize it.

19 Q. And what was uncomfortable about it?

20 A. It just was uncomfortable. I don't know

21 how to say it better than that.

22 Q. Well, I'm assuming that it was

23 uncomfortable because of something that Alyssa

24 was doing; is that correct?

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.io.com - www.prio.io.com

**\*\*CONFIDENTIAL\*\*** EDGAR C. SIMPSON  
APRIL 22, 2008

1 A. I really would hate to characterize it.  
2 I mean, it doesn't -- I will say it's not stark  
3 in my mind as far as exactly what happened. I  
4 mean, I understand the -- I'm not even sure if  
5 it was -- I think it was the same day as the  
6 chocolate.

7 Q. Okay.

8 A. I'm not sure. Is that right?

9 Q. It could be.

10 A. So I hesitate to characterize it.

11 MR. ESPY: Well, you have to call it  
12 something, because I think you understand, or  
13 something comes to your mind that something  
14 occurred, or you wouldn't have thought that long  
15 about it. You called it an observation. So you  
16 should be able to articulate what you observed  
17 and what made you react to it.

18 THE WITNESS: Senator, I understand what

19 you're saying. I mean, my observation was that  
20 it was startled -- perhaps Alyssa might have  
21 been startled. It just -- it's just slightly  
22 uncomfortable for a few moments, and then -- I  
23 mean, it was not like -- it was not an enduring  
24 episode.

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\*** EDGAR C. SIMPSON  
APRIL 22, 2008

1 MR. ESPY: How do you know she was  
2 startled?

3 THE WITNESS: She just appeared to, you  
4 know, shake her head a little bit. I --

5 MR. ESPY: It's been testified to, and  
6 everybody admits, that you're closer to Alyssa  
7 than anyone because she worked for you and the  
8 fact that you were her friend down here. So  
9 when the statement is made that you told Alyssa  
10 to cut it out of in uncomfortable moment, you  
11 must have told her to cut it out for something  
12 she did.

13 THE WITNESS: I don't recall saying cut  
14 it out, Senator.

15 MR. ESPY: What do you recall about the  
16 situation?

17 THE WITNESS: Not very much. What I  
18 remember is a very brief, and seconds, not

19 minutes, encounter by the elevator, where Alyssa

20 appeared to be startled. And that's really what

21 I recall.

22 MR. ESPY: See, it's just hard to

23 believe that an employee would make her

24 startled, unless there was some connection

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@priohio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\*** EDGAR C. SIMPSON  
APRIL 22, 2008

1 behind that confrontation, that meeting, that  
2 had some kind of hidden meaning behind it.  
3 You're just not startled because somebody comes  
4 up to an elevator or gets on an elevator.  
5 That's what people do, they get on and off  
6 elevators. So you must have some observation as  
7 to what the situation was that startled her.  
8 Was it because it was Cindy, or was it because  
9 it was Vanessa that she may have some prior  
10 knowledge of who they were or what the rumors  
11 were about them? There was something.

12 THE WITNESS: Senator, we didn't talk  
13 about it. I -- I don't know.

14 MR. ESPY: But you don't recall making a  
15 statement, telling Alyssa to cut it out?

16 THE WITNESS: No, sir, I do not recall  
17 that.

18 MR. ESPY: Okay.

19 BY MS. PFEIFFER:

20 Q. Did you ever talk to Marc Dann's wife  
21 about a situation that occurred where Vanessa  
22 Stout sent a risque, perhaps sexually explicit  
23 text message to Tony Gutierrez right around  
24 Christmas, New Year's of 2007-8?

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\* EDGAR C. SIMPSON**  
**APRIL 22, 2008**

1 A. I do not recall that.

2 Q. Do you recall learning of a text message  
3 that Vanessa allegedly sent to Tony?

4 A. Much later.

5 Q. When much later?

6 A. It was in March, when I think some of  
7 the papers reported text messages from Vanessa  
8 to Tony.

9 Q. Have you ever had a discussion with Marc  
10 Dann's wife regarding any kind of alleged  
11 inappropriate relationships that Tony Gutierrez  
12 was having in the office?

13 A. I am very -- Alyssa is my friend. I'm  
14 very uncomfortable talking about conversations  
15 we may have had. She's a nonemployee. I want  
16 to be very helpful. But, I mean, if you can  
17 help me define that a little better.

18 MR. ESPY: Well, if your conversation

19 with her impacted upon the office in any way,

20 that's an extension of this investigation.

21 We're not asking you about personal

22 conversations with her regarding her kids, her

23 family. We're talking about conversations that

24 relates to the office. Because it's been

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prioio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\* EDGAR C. SIMPSON**  
**APRIL 22, 2008**

1 alleged in a lot of these discussions that when  
2 she came to the office on the 24th or whatever,  
3 there were some very uncomfortable meetings  
4 between she and Cindy and she and Vanessa, which  
5 appears as though she had some knowledge about  
6 their reputations or their involvement with  
7 other people in the office, like Tony and/or  
8 Leo, whoever, or Marc.

9       So if those conversations had an impact  
10 on the office, I think it's a proper extension  
11 of the investigation.

12       THE WITNESS: Yes, sir.

13       MR. ESPY: We don't intend to call  
14 Alyssa here to talk to her, to verify what you  
15 say or not say.

16       THE WITNESS: Yes, sir.

17       MR. ESPY: But we do have a right to  
18 know if you talked to her about the office and

19 what was said.

20 THE WITNESS: Yes, sir. I understand

21 that.

22 I do not recall a specific discussion

23 about text messages. I mean, Alyssa and I had

24 a -- it was a discussion about rumors involving

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\* EDGAR C. SIMPSON  
APRIL 22, 2008**

1 Tony and Vanessa.

2 MR. ESPY: Was that prior to her visit  
3 to the floor or after her visit to the floor?

4 THE WITNESS: I don't recall, Senator.

5 MR. ESPY: But you do recall that  
6 conversation.

7 THE WITNESS: There was a conversation  
8 about rumors, yes, sir.

9 MR. ESPY: What did you tell her about  
10 the rumors? What were they saying?

11 THE WITNESS: I -- I'm sorry. I'm  
12 thinking. Just mainly it was a brief discussion  
13 about, yes, there were rumors. And we really  
14 didn't get into it that much.

15 MR. ESPY: Do you know -- did that  
16 conversation take place down here or up in  
17 Liberty?

18 THE WITNESS: Telephone.

19 MR. ESPY: Telephone?

20 THE WITNESS: Yes, sir.

21 MR. ESPY: What was her reaction? You

22 told her about these rumors. What was her

23 reaction?

24 THE WITNESS: Well, she wasn't

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\*** EDGAR C. SIMPSON  
APRIL 22, 2008

1 surprised.

2 MR. ESPY: Was she upset?

3 THE WITNESS: She wasn't happy.

4 MR. ESPY: Did she tell you that Tony's

5 wife knew about them also?

6 THE WITNESS: We didn't get into that.

7 She did not appear surprised.

8 MR. ESPY: Did you ever hear that Tony

9 came clean with his wife about what was going on

10 down here? Did you ever hear that?

11 THE WITNESS: No, sir. I don't recall

12 that.

13 MR. ESPY: Okay. Did you tell her about

14 the rumors -- when you told her about the

15 rumors, did you tell her about the employees by

16 name, Vanessa Stout, Cindy Stankoski?

17 THE WITNESS: I don't recall.

18 MR. ESPY: Well, I'll tell you the

19 reason why I ask that question, is because when  
20 she met Cindy Stankoski, the allegation is she  
21 came to her and she said, oh, so you're Cindy,  
22 as though she knew her or knew about her.

23 THE WITNESS: Okay.

24 MR. ESPY: That's why I asked the

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.io.com - www.prio.io.com

**\*\*CONFIDENTIAL\*\* EDGAR C. SIMPSON  
APRIL 22, 2008**

1 question, did you tell her the names of the  
2 employees involved in this rumor.

3 THE WITNESS: Sir, I don't recall.

4 MR. ESPY: You could have?

5 THE WITNESS: Vanessa, I probably could  
6 have. Cindy, probably not.

7 MR. ESPY: Okay. And the rumor, as you  
8 remember it you may have talked about, involved  
9 Vanessa having an affair with Tony?

10 THE WITNESS: Yes, sir. Inappropriate  
11 off-work stuff.

12 MR. ESPY: Okay.

13 You can go ahead.

14 MS. PFEIFFER: Okay.

15 BY MS. PFEIFFER:

16 Q. Now, going to the conversation that you

17 had, I believe between you and Joyce and

18 Stephanie Bostos-Demers, talking about Vanessa

19 Stout's potential continued employment with the  
20 office, I believe you testified that in a  
21 meeting Stephanie stated that Vanessa should not  
22 be fired; is that correct?

23 A. (Witness nods head.)

24 Q. Do you remember what Joyce's position on

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prioio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\*** EDGAR C. SIMPSON  
APRIL 22, 2008

1 this was?

2 A. Boy, I do not recall.

3 Q. Was it your position in that meeting

4 whether she should be fired or transferred?

5 A. In that meeting? Well, I believe that I

6 said that she couldn't be fired for her

7 background -- or should not be fired for her

8 background, because, you know, we had made the

9 mistake to put her on the payroll in the first

10 place. So I did not think it would be fair to

11 fire her after the fact. I think Stephanie --

12 in fact, I believe that was Stephanie's

13 recommendation, as well.

14 Q. Who is it that wanted her fired?

15 A. I don't recall anybody wanting her

16 fired.

17 Q. I believe you're talking about this

18 meeting that you had on January 15th, 2008,

19 where Vanessa Stout's transfer was discussed,  
20 which the following issues were discussed, one  
21 of them, Vanessa not permitted to be on the 17th  
22 floor, particularly in the box. Do you recall  
23 that?  
24 A. A meeting?

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.io.com - www.prio.io.com

**\*\*CONFIDENTIAL\*\*** EDGAR C. SIMPSON  
APRIL 22, 2008

1 Q. Yes.

2 A. I recall the general discussion. I  
3 don't recall that specific meeting. I mean, are  
4 you asking -- what?

5 Q. At that point, did you get a direction  
6 that Vanessa Stout was not permitted to be on  
7 the 17th floor, particularly working in the box?

8 A. Marc had said he was uncomfortable with  
9 Cindy there in the box -- what we call the box.

10 Q. Do you recall his reasoning for that?

11 A. No, I do not recall.

12 Q. Now, with regard to a raise that Jessica  
13 Utovich received prior to becoming the director  
14 of travel, in her personnel records there is a  
15 letter, I believe signed by you, stating that  
16 she received some increased duties for security  
17 in advance. Did she, in fact, perform extra  
18 duties?

19 A. Yes, she did.

20 Q. Okay. Was that the reason for her

21 raise?

22 A. That was partially. I'm trying -- as I

23 recall, the reason for the raise was we were

24 putting together our advance program, we were

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.io.com - www.prio.io.com

**\*\*CONFIDENTIAL\*\*** EDGAR C. SIMPSON  
APRIL 22, 2008

1 trying to get a much better and deeper advanced  
2 information and program for Marc, so when he  
3 went to an event, say, he had better information  
4 as far as what the event was, who was going to  
5 be there, that kind of thing, coordinating with  
6 our public affairs folks.

7 On the security, the security detail, we  
8 were ramping up, and that had to be coordinated  
9 through the schedule. So, I mean, those were  
10 the reasons.

11 And I believe Colleen, she was making a  
12 certain amount of money and felt Jessica should  
13 be in that range, I believe.

14 Q. Prior to Vanessa Stout and Cindy  
15 Stankoski coming forward with accusations in  
16 March of this year, prior to that, had you ever  
17 heard any rumors or anybody talk about Tony  
18 Gutierrez apparently throwing around any kind of

19 alleged Mafia ties that he had?

20 A. I had a couple of occasions to talk to

21 Tony, and he mentioned some stories from his

22 family history. I have no idea whether they

23 were true or not.

24 Q. He indicated that someone in his family

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.io.com - www.prio.io.com

**\*\*CONFIDENTIAL\*\* EDGAR C. SIMPSON  
APRIL 22, 2008**

1 had been in the Mafia, is that --

2 A. Yes, I think that's accurate.

3 Q. Have you ever learned, again, prior to  
4 the March date, whether or not he had been  
5 telling this to his own employees?

6 A. Oh, I've never heard that.

7 Q. Prior to this, had you ever heard any  
8 rumors or anything where Tony may have been  
9 telling his subordinates about a close personal  
10 friendship he had with the Attorney General?

11 A. Tony would often say, Marc said, Marc  
12 told me. I don't ever recall hearing him say,  
13 Marc, my good friend, and I want you to do this.  
14 But Tony would often preface things by saying,  
15 Marc said, Marc told me, that sort of thing.

16 Q. Did you find those to be times where  
17 that might have been not quite the truth?

18 A. Tony wasn't the only one in the office

19 who occasionally would do that. And I almost  
20 always find it inappropriate, because not being  
21 there, Marc may or may not have told them  
22 things, and not being there, I don't know.

23 Q. Did you ever discuss with him the  
24 inappropriateness of that?

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.io.com - www.prio.io.com

**\*\*CONFIDENTIAL\*\*** EDGAR C. SIMPSON  
APRIL 22, 2008

1 A. No, not specifically. We did have a  
2 discussion about that when you're a leader, in  
3 my view, you undermine -- you undermine your own  
4 authority and your own leadership if you lay off  
5 orders on somebody else, if it's me, if it's  
6 Marc, if it's the Senator. Part of leadership  
7 is you communicate and build your team properly.  
8 We did have that discussion.

9 Q. Did you reduce any of this to writing?

10 A. No, ma'am.

11 Q. We've heard reports from more than one  
12 individual that perhaps Tony Gutierrez was  
13 carrying a firearm in his State vehicle. Did  
14 you ever become aware of the possibility that he  
15 was doing this?

16 A. The short answer is no. The longer  
17 answer is that I knew he was acquiring a CCW.  
18 He told me he was doing that. That's as far as

19 I know. Which implied, of course, that he had a  
20 weapon.

21 Q. Did he state whether or not he was  
22 planning on carrying it at work?

23 A. He did not say whether or not. But I --  
24 I've never seen him with a weapon. I assume he

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\* EDGAR C. SIMPSON  
APRIL 22, 2008**

1 would not be carrying it at work.

2 MS. PFEIFFER: I don't believe I have  
3 anything else.

4 Do you have anything?

5 EXAMINATION

6 BY MR. ESPY:

7 Q. Why wasn't Tony ever disciplined?

8 A. For anything, or --

9 Q. These allegations have been known for  
10 some time by you, Joyce, Leo, to some extent,  
11 Marc. But why wasn't he ever disciplined? Why  
12 was he always just talked to? The average  
13 employee would not have that many chances with  
14 the allegations that he had been drinking and  
15 going out with employees, being their boss,  
16 their manager. Was that ever discussed, why he  
17 wasn't disciplined?

18 A. Senator, that is a reasonable question.

19 And all I can tell you is that I've given that a  
20 lot of thought in my own heart and mind. And  
21 all I can tell you about that is that at the  
22 time it seemed very difficult to act on rumors.  
23 There was no specific allegations, hey, Tony was  
24 drunk last night, and this is what he did that

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\*** EDGAR C. SIMPSON  
APRIL 22, 2008

1 was work related. That's the only -- that's not  
2 an excuse, it's an explanation. And certainly  
3 in retrospect, that is a reasonable question.

4 Q. Certain things are not rumor, though.

5 Certain things you actually knew. He was out  
6 drinking with Leo before, driving a State  
7 vehicle. That was a well-known fact by Leo.

8 The night he came over to the apartment,  
9 September 10th, he had been drinking, driving  
10 the State vehicle. Just things that I know on  
11 March 6th and March 7th, when these two ladies  
12 brought their complaints to HR.

13 Did anyone call him in and say, what is  
14 this? Did anyone call him in?

15 A. Well, there were discussions on what to  
16 do.

17 Q. I know there were a lot of discussions  
18 on what to do.

19 A. Right.

20 Q. Was he ever called in by anyone to say,

21 here's what they're saying, is this true?

22 A. Well, not specifically those days, no,

23 sir.

24 Q. Not those days. But we had knowledge --

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@priohio.com - www.priohio.com

**\*\*CONFIDENTIAL\*\* EDGAR C. SIMPSON  
APRIL 22, 2008**

1 the office had knowledge on the 6th and 7th,  
2 allegations that he had been drinking, he had  
3 been making improper comments to female workers,  
4 he had a gun in the car, that he had been making  
5 statements about his power, employees feeling  
6 intimidated. All that's in the statements that  
7 were given on March the 6th and 7th by these two  
8 ladies.

9       Didn't anyone call him in at that point  
10 in time and say, what is this, what's going on  
11 here? Or did you have just the discussion and  
12 talk about it without him being present?

13     A. There were -- I believe there -- the  
14 short answer's no, to my knowledge, that was not  
15 done. There were discussions about what to do,  
16 but there was not -- Tony was not brought in  
17 those days, no, sir.

18     Q. One of the allegations in this whole

19 investigation is that Tony had friends in high  
20 places and nothing would ever happen to him. As  
21 a matter of fact, one of the ladies went so far  
22 as to say that she was told that Tony's not  
23 going anywhere during this time period between  
24 March 6th and March 27th. And I've been trying

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prioio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\*** EDGAR C. SIMPSON  
APRIL 22, 2008

1 to figure out why no one called him in to  
2 inquire about these allegations, when we knew  
3 that they were out there. All we did,  
4 apparently -- I'm saying we, because it's the  
5 office of the Attorney General -- was just sit  
6 around and discuss it, what are we going to do  
7 next. But no one said, ah, let's call Tony in  
8 and talk to him about these allegations.

9 Tell me why that didn't happen.

10 A. Senator, I don't have a good  
11 explanation. I think that's a really -- it's a  
12 great question. I think that we were concerned  
13 with the process, to make sure the process was  
14 correct. I think that -- I think we were  
15 concerned about making sure the process was as  
16 correct as it could be.

17 Q. We now know the process was not correct.  
18 Do you agree with that?

19 A. In what way, Senator?

20 Q. That on March 6th and 7th, when these

21 two ladies brought the allegations in, there was

22 no immediate investigation that took place.

23 Between March 6th and 7th to the 27th, the only

24 thing that happened of significance is the fact

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prioio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\*** EDGAR C. SIMPSON  
APRIL 22, 2008

1 that they moved his desk and her desk so they  
2 won't face each other. Can you think of  
3 anything else that happened during that period  
4 of time to say the process is working?

5 A. No, not direct knowledge, no, sir.

6 Q. So it wasn't working. According to  
7 policy, once allegations are made which can be  
8 construed as a complaint that we would have an  
9 investigation by the EEO officer immediately,  
10 and she didn't start her investigation until  
11 March 31st.

12 A. (Witness nods head.)

13 Q. So between March the 6th and 7th until  
14 the 27th or the 31st, nothing was done. Tony  
15 was not separated from the two complainants; he  
16 continued to supervise at least one on a  
17 day-to-day basis; and he was never called in.  
18 That's what I see so far in this situation.

19 A. I understand what you're saying,

20 Senator. I understand -- yeah, I understand

21 what you're saying.

22 Q. Do you agree with what I've said so far?

23 A. It's difficult, Senator, because things

24 are a little bit muddled, you know, through this

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\* EDGAR C. SIMPSON**  
**APRIL 22, 2008**

1 whole time frame. But my understanding was that  
2 Stephanie had gone back to the employees and  
3 said, here is how to file an EEOC complaint,  
4 assured them that, you know, we're going to do  
5 everything we can to make sure they're taken  
6 care of.

7 So I understand your point, Senator.

8 I'm not sure it's 100 percent accurate.

9 Q. Even if she said, here's how you file a  
10 complaint, and here's where you go to file a  
11 complaint, you have a director of a department,  
12 with serious allegations, and no one talked to  
13 him after March the 6th. Do you agree with  
14 that?

15 A. I have no direct knowledge that -- I did  
16 not talk to him, Senator.

17 Q. Who would be responsible for talking to  
18 him? Who does he report to?

19 A. Joyce.

20 Q. And Joyce reports to whom?

21 A. To me.

22 Q. Okay. And you have no knowledge that

23 Joyce talked to him either, do you?

24 A. No, sir.

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\* EDGAR C. SIMPSON  
APRIL 22, 2008**

1 Q. Okay.

2 MR. ESPY: That's all I have, too.

3 MS. PFEIFFER: I have nothing.

4 THE WITNESS: Okay.

5 MR. ESPY: Thanks. Appreciate it.

6 --0--

7 Thereupon, the sworn interview of  
8 Edgar C. Simpson, April 22, 2008, was concluded  
9 at 3:18 p.m.

10 --O--

11

12

13

14

15

16

17

18

19

20

21

22

23

24

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\*** EDGAR C. SIMPSON  
APRIL 22, 2008

1 CERTIFICATE

2 STATE OF OHIO :

SS:

3 COUNTY OF FRANKLIN :

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

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

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

18

19

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

20

Notary Public, State of Ohio.

21 My commission expires: March 10, 2013

22

23

24

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prioio.com - www.prioio.com

