

# Scandal in the Attorney General's Office

## Stankoski/Stout Investigation of Sexual Harassment

By Ben E. Espy,  
Executive Assistant Attorney General  
and Julie Pfeiffer,  
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### SCOPE OF THE INVESTIGATION

On April 8, 2008, Attorney General Marc Dann requested Ben E. Espy, Executive Assistant Attorney General, and Julie Pfeiffer, Senior Assistant Attorney General, investigate the complaints lodged with the Equal Employment Opportunity office against Anthony Gutierrez, director of General Services. The scope of the investigation also was extended to any other policy violations that were uncovered as a result of or rose out of the Gutierrez investigation.

All of the employees that interviewed were instructed to search for and disclose all documents in their possession that were relevant to the investigation. Undersigned counsel also gathered all desk telephone logs and e-mail communications for Cindy Stankoski, Vanessa Stout, and Mr. Gutierrez.

The investigators conducted interviews, under oath and before a court reporter.



Ben Espy,  
one of the  
investigators

### DESCRIPTION OF THE ISSUE:

Were Ms. Stankoski and Ms. Stout subjected to discrimination and/or sexual harassment in the form of a hostile work environment(s) created by Mr. Gutierrez?

### BACKGROUND INFORMATION ORGANIZATIONAL STRUCTURE:

Anthony Gutierrez was hired as the director of general services for the office of the Ohio Attorney General in February 2007. Mr. Gutierrez is directly supervised by Joyce Chapple, chief operating officer who is directly supervised by Ed Simpson, chief of policy and administration. Ed Simpson answers directly to the Ohio Attorney General.

The Department of General Services is responsible for office services and facilities. Ms. Stankoski was hired on August 20, 2007 as a telecommunications assistant and Ms. Stout was hired on November 26, 2007, also as a telecommunications assistant in general services, both working Mondays through Fridays during normal business hours. Ms. Stankoski's primary duties entailed assisting in the maintenance of all state issued desk telephones and other telecommunications equipment and Ms. Stout's primary duties consisted of assisting in the maintenance of fixed assets.

During all relevant times, Ms. Stankoski and Ms. Stout were directly supervised by Charlie Rosol, Deputy Director of General Services who answered directly to Gutierrez.

On November 11, 2007, Ms. Stankoski was promoted within general services with an increase in pay. Ms. Stout was transferred to the Department of Information Technology as a special projects coordinator on January 18, 2008.

### SUMMARY OF ALLEGATIONS BY CINDY STANKOSKI

Cindy Stankoski alleges that on three occasions: (1) during the evening of September 10, 2007, (2) during the afternoon and early evening of October 3, 2007, and (3) during an evening in mid-October, 2007, Mr. Gutierrez took her out for drinks and behaved in a sexually inappropriate manner. Ms. Stankoski also alleges that Mr. Gutierrez acted in a sexually inappropriate manner towards her and other female employees in the workplace by making lewd comments, using extreme profanity, frequently leering at her and other females, and intimidating her with stories of his alleged power and authority, which he obtained through his alleged association with the Mafia and his close friendship with the Attorney General.

### SUMMARY OF ALLEGATIONS BY VANESSA STOUT

Vanessa Stout alleges that Mr. Gutierrez made vulgar, sexually explicit comments to her and other female employees in the workplace and then effectuated her transfer (involuntarily) to the IT Department upon the direction of the attorney general because of inaccurate rumors that she was engaging in an inappropriate relationship with Mr. Gutierrez.

### FACTUAL ALLEGATIONS AND CONCLUSIONS

Cindy Stankoski and Vanessa Stout allege that Mr. Gutierrez caused them to suffer a hostile environment though both generalized sex-based and intimidation-based comments, innuendos and acts inside and outside the workplace and by committing specific (and perhaps more serious) acts of misconduct against them separately. While their allegations will be analyzed by a totality of the circumstances, we will discuss the specific acts of misconduct alleged by each complainant first and then follow up with their generalized allegations of atmospheric hostile environment.

#### CINDY STANKOSKI

Based on the information received, including eyewitness accounts, Cindy Stankoski's (hereinafter "Stankoski") and Anthony Gutierrez's (hereinafter "Gutierrez") sworn statements, and documentary evidence, the following events are alleged:

#### INCIDENT ON SEPTEMBER 10, 2007

Towards the end of the business day on September 10, 2007, Gutierrez invited Stankoski for "drinks" at the Ringside restaurant located behind the Rhodes Tower. Although Stankoski initially declined his offer, she finally agreed because he "wasn't taking no for an answer."

Stankoski invited her co-worker, Andy Miller, to accompany her to Ringside via e-mail but he declined. Stankoski met Gutierrez outside at 5:30 p.m. and they walked to Ringside, where he ordered a "Grey Goose" for her and "chilled shots of Crown" for himself. Stankoski claims that Gutierrez discussed the "power" that he possessed, his private construction business, and his hatred for his wife.

Stankoski claims that on numerous occasions, Gutierrez talked openly about his alleged ties to the Mafia, that he often remarked "no one messes with my crew," and bragged that he could "get anything done." She claims that Gutierrez frequently bragged about his power and influence he enjoyed from his close friendship with the attorney general which, she believed, enabled him to act with virtual impunity. Other employees also witnessed Gutierrez brag about his Mob ties and friendship with the attorney general.

Gutierrez and Stankoski then went to the TipTop restaurant where he ordered "more shots and vodka." While there, Gutierrez offered to take Stankoski along with his boat to visit her friend in North Carolina so they could "have some fun." Charlie Rosol (Deputy Director of General Services) telephoned Gutierrez and Gutierrez stated that he was "there with a smokin' hot girl."

Stankoski spoke with Rosol but did not identify herself. Throughout the evening, Gutierrez told Stankoski that she was "hot" and let his eyes wander over her.

Because Stankoski was feeling "tipsy" at the Tip-Top, Gutierrez suggested they go to Mitchell's Steakhouse to eat. Upon arriving at Mitchell's, Gutierrez, without asking, ordered Stankoski another Grey

## The following contains extensive excerpts from the investigative report released Friday



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Marc Dann, Ohio's attorney general

Goose and minutes later the attorney general called Gutierrez on his cell phone. Gutierrez told the attorney general that he was with Cindy Stankoski and then handed the telephone to her.

Stankoski claims that the attorney general said, "Hey, how are you? How's the office treating you? Are you having fun? Why don't you come over for some pizza?" Stankoski replied "Only if you have Hawaiian pizza." She returned the telephone to Gutierrez and they left the restaurant. Stankoski claims that when she expressed reservations about going to the attorney general's house, Gutierrez stated, "You're with the big dogs. Don't worry about it."

Stankoski claims that she accompanied Gutierrez to the Dublin apartment because she had been drinking and "felt trapped." During the car ride, she alleges that she began text messaging her coworker Mariellen Aranda "like, oh my God, get me out of this situation."

When she arrived at the apartment between 9 p.m. and 10 p.m. the attorney general was seated in a single sofa chair in the living room. She shook his hand and he instructed her to call him "Marc." A box of Hawaiian pizza was sitting on the kitchen counter and Stankoski claims that the attorney general "brought out the tequila and margarita mix and told me to have some drinks."

Approximately 10-15 minutes later, Jessica Utovich (the attorney general's scheduler) walked into the apartment without knocking and clothed in "sweatpants and a T-shirt." Stankoski went outside to smoke a cigarette and she called Aranda again asking for a ride.

Aranda declined to pick her up at the apartment and offered to contact other coworkers to assist. Stankoski claims she declined as she was embarrassed and scared because she was "pressured into going out for drinks" and because she "was sitting with powerful people." Stankoski claims she had no money to hire a taxi and she did not know where she was.

When she returned to the apartment, Utovich was sitting on the floor, the attorney general was seated in the chair, and [Gutierrez] was in the kitchen eating pizza. Stankoski claims that the attorney general poured her a margarita but she did not drink it. Stankoski began to feel sick and Gutierrez told her to lie down on his bed.

Stankoski never went upstairs. Stankoski fell asleep over the covers on Gutierrez's bed and awoke at 4:30 am with Gutierrez lying next to her in his underwear. When Stankoski woke up, she claimed that three buttons on her pants were undone and her zipper was partially down.

Stankoski stated that she "didn't feel violated down there" but she went into the living room and cried because she was not sure what had happened. She woke Gutierrez up and told him to take her to her car. Gutierrez took a shower and then he drove her back to downtown Columbus between approximately 6 a.m. and 6:30 a.m.

Stankoski claims that she left her car keys in her desk from the previous day and Gutierrez went into the State Office Tower to retrieve them. She claimed that her coworker Erika Haske was already at work and Gutierrez ran into her. Upon returning with her keys, Gutierrez told Stankoski that she could take her time reporting for work and that he would tell the office that she had a doctor's appointment. Stankoski reported to work at approximately 11:30 a.m. (three hours late).

Gutierrez later told Stankoski to make up for the time she took off by taking half-hour lunches.

Stankoski claims that after Aranda disclosed copies of her text messages in October 2007 to Molly Taylor in Human Resources, Gutierrez "pulled me into his office and he said, when and if you are approached by HR, you are to tell them a friend of yours picked you up."

### VERSION OF INCIDENT BY ANTHONY GUTIERREZ

Gutierrez admits that he asked Stankoski to join him for drinks at Ringside and she accepted. He claims that while there, Stankoski drank a substance that was "clear, and she drank it straight." He claims that he drank two Bud Lights.

Gutierrez admits that they went to the TipTop patio for approximately 45 minutes where he drank two more beers and Stankoski drank two more vodkas.

Gutierrez denies making the statement to Charlie Rosol that he was with a "smoking hot girl." Gutierrez claims that he told Stankoski that his grandfather may have been connected to the mafia, but only because she shared personal family matters.

Gutierrez admits that approximately 45 minutes later, they went to Mitchell's and he continued to consume Bud Light and Stankoski drank vodka.

"We finished our drink and went to the Dublin apartment for pizza." Gutierrez claims that Stankoski never resisted in any way having drinks with him or going to the Dublin apartment. Nor does Gutierrez admit that he referred to himself or the Attorney General as "big dogs." When they arrived at the apartment, the pizza was sitting on the "snack bar" and, while Gutierrez put plates out, he claims that Stankoski and the Attorney General engaged in small talk about her job and how long she had been employed with the office. Utovich then showed up and she and the Attorney General started to work on his schedule. Gutierrez claims that only Stankoski was drinking at the apartment. She helped herself to a glass of wine that was sitting on the kitchen counter.

Gutierrez admits that Stankoski stated she wasn't feeling well between 10 p.m. and 11 p.m. and went into the first floor bathroom. Gutierrez, Utovich, and



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The report on the sexual harassment claims

the attorney general were seated in the living room.

Gutierrez heard the bathroom door open and he went into his bedroom where Stankoski followed and laid down on the bed on top of the covers. Gutierrez claims that he never invited Stankoski to use his bed. He claims that he asked Stankoski, "Are you all right, do you need anything, do you want a basket to throw up or anything else like that? She says no, I just need to lie down."

Gutierrez claims that he went into the living room and spoke with the Attorney General and Utovich for a brief period and then he returned to his bedroom, got a pair of shorts and a T-shirt, changed in the bathroom, and then went back into his bedroom where he watched television in a chair with his feet propped up on the bed.

Gutierrez claims that he never laid on the bed with Stankoski and knew nothing about how her pants became unbuttoned.

Between 1 a.m. and 1:30 a.m. Gutierrez noticed that there was silence in the living room so he moved to the living room couch, turned on the television and fell asleep where he remained all night. The next morning, Gutierrez woke approximately 5 a.m. and "grabbed my stuff for the day, went in and took a shower, came out from the shower, dressed in my pants and shirt."

### VERSION OF INCIDENT

#### BY ATTORNEY GENERAL MARC DANN

The Attorney General states that he was in the Dublin apartment alone and "I got hungry, and I called Tony and asked if he was planning on coming home soon, because I was planning on ordering pizza ... and then he handed a phone to a woman, whose voice I did not recognize."

"She told me that Tony wanted Hawaiian pizza, and that they would be home in a short while. I then went ahead and ordered pizza and waited for them to come home."

The Attorney General states that he did not know the identity of the woman that he spoke with on the telephone until they arrived and Gutierrez introduced Stankoski as "his new employee."

The Attorney General states that both Gutierrez and Stankoski were likely intoxicated but he does not recall whether they drank alcohol while in the apartment. The Attorney General was seated in a chair, Stankoski was seated on the couch and Gutierrez was in the kitchen gathering plates for the pizza.

Jessica Utovich arrived with the Attorney General's schedule for the next day and a laptop computer wearing sweatpants and a sweatshirt or T-shirt. He did not know in advance she was coming to the apartment.

The Attorney General states that Utovich requested his assistance with her application for the Young Democrats and he reluctantly agreed. He states, "It's an awkward position, and I've been adjusting to becoming a boss, and I would have preferred to just ask her and Cindy and Tony to leave ... but I didn't quite know what to do, so I offered, I agreed to help her with her work. And it wasn't a very big deal. We just spent a few minutes."

The attorney general states that he noticed Stankoski leave the room and walk towards the area of Gutierrez's bedroom and bathroom but he did not know exactly where she went. The attorney general states that she did not return to the living room before he retired upstairs to his bedroom. He explained, "I went upstairs. I made the pretense to Jessica that I had to go to — that I was tired and wanted to go to bed, and I actually shooed her out the door not long after Cindy walked out of the room. It was a very uncomfortable situation that I wanted to get out of."

The attorney general did not see Gutierrez walk into his bedroom area. The Attorney General did not see Stankoski or Gutierrez in the morning before he left for work.

### VANESSA STOUT

Based on the information received, including eyewitness accounts, Vanessa Stout's (hereinafter "Stout") and Anthony Gutierrez's (hereinafter "Gutierrez") sworn statements, and documentary evidence, the following events are alleged:

### PRE-EMPLOYMENT RELATIONSHIP WITH GUTIERREZ

Stout does not specifically allege that Gutierrez committed acts of harassment within the context of her obtaining employment with the office.

However, several aspects of her pre-employment relationship with Gutierrez, and the circumstances surrounding her hiring are important to the overall analysis of her complaint.

Stout was hired as a telecommunications assistant in the general services department on November 26, 2007. At all relevant times, Stout lived in the same apartment complex as the apartment shared by the attorney general, Gutierrez, and Leo Jennings, [communications director].

In late July or early August, 2007, Stout confronted Gutierrez after he allegedly backed into her father's vehicle in the apartment complex parking lot. She claims that Gutierrez apologized and handed her his business card. Shortly thereafter, Stout claims that she was seated outside of her apartment smoking a cigarette when Gutierrez approached her and offered her a glass of wine.

They began talking and, when Stout indicated that

she was unemployed, Gutierrez offered her a job with the office. Stout claims that she informed Gutierrez of her criminal record and how it had prevented her from obtaining employment in the past.

Stout claims that she and Gutierrez talked from approximately 10 p.m. until nearly 4 a.m. where he complained that he and his wife no longer had relations and that he watches "porn."

Gutierrez allegedly "came onto" Stout and she rebuffed him. Stout claims that she and Gutierrez continued to converse whenever they were outside smoking cigarettes and that Gutierrez would invite her into the apartment ...

Stout claims that during these conversations, Gutierrez would make comments, "Like he'd like to have sex with me. Like, he's always telling me how pretty I was, you're gorgeous, and look at me like he just wanted to eat me up."

From their first meeting and continuing on after her employment, Stout socialized with Gutierrez in his apartment "maybe more than 10 times." [Leo] Jennings was frequently present, but he did not become actively involved in their conversations. On approximately three occasions, she was in the apartment with Gutierrez while the attorney general was there but only on one of those occasions did she actually speak to him.

On that occasion during October 2007, Stout alleges that she was sitting in her apartment around midnight watching the television show "COPS" when Gutierrez called her and stated, "Marc needs a gallon of milk." She told Gutierrez what she was watching on the television and he replied, "Come on over and sit and hang out with the real cops." Stout alleges that she took a gallon of milk out of her refrigerator and walked over to the apartment.

When she arrived, the attorney general, Jessica Utovich, and Gutierrez were standing in the kitchen.

Stout claims that Gutierrez advised the attorney general in her presence that she was looking for employment. Stout alleges that she immediately informed them of her "DUI and a couple other things" and the attorney general stated, "Yeah, there's no problem, there's ways to go around that. Tony will work through that." He told Tony, "Get her on anywhere you can."

### THE SEX TOY

At some point either shortly before she began employment or shortly thereafter, Gutierrez gave Stout a sex toy.

Gutierrez overheard an argument between Stout and her ex-boyfriend where her boyfriend admitted to breaking Stout's "battery operated boyfriend" out of jealousy.

Stout and Gutierrez later had a conversation where they laughed about Gutierrez overhearing the argument. Gutierrez then gave her the sex toy as a gag gift.

Stout alleges that Gutierrez then called her into his office on several occasions and stated, "When are you going to — have you used that thing yet?"

"I'd say no, it's still in the package. He's like, 'You know, am I going to get to see you use it when you open it up?' I'm like, that's gross. Why are you talking to me like that, like it's a joke, but trying to put it out there that he's making me uncomfortable with it."

**Footnote:** Gutierrez and Stout basically agree on the events surrounding the sex toy except that he claims that he completely dropped the subject after he gave her the sex toy.

### INAPPROPRIATE COMMENTS — SEXUAL AND/OR INTIMIDATING

Stankoski claims that at the beginning of her employment, Gutierrez would "undress" her with his eyes and stare at her chest and body while biting his lip.

On one occasion, Gutierrez handed Stankoski a postcard from Las Vegas and stated, "Pick a weekend, I'll take you."

During a "handful" of occasions, Stankoski was eating snacks in the office and Gutierrez commented, "That's going to go to your ... ass." Gutierrez also commented on her chest stating that she had a "nice rack" and told her that her shirt was "not tight or low enough."

Stout also claims that, after she was hired, Gutierrez would request sex from her and add that she "owed him."

### CONCLUSION

There was an active effort in the office by long time friends at the administrative level to overlook the transgressions by Mr. Gutierrez over a long period of time. Mr. Gutierrez used these relationships to exert his influence in the general services section and to impress female employees of his connections.

Obviously, many people at the administrative level and the section level knew or should have known that Mr. Gutierrez was drinking constantly at the same time he was driving a state vehicle. They also knew or should have known that Mr. Gutierrez was socializing with female subordinates on a regular basis.

The same could also be said about Leo Jennings.

Management fraternizing with employees over drinks and entertaining employees at their homes gave rise to rumors in the office that had a definite impact on office policies.

Additionally, management employees encouraged and tolerated a workplace atmosphere of frequent profanity, extremely casual and improper personal interactions with subordinates, and a general lack of professionalism and respect.

It is clear that the Attorney General Marc Dann exercised poor judgment by engaging in and permitting Cindy Stankoski to come to his home for drinks and pizza. When it was obvious that she was intoxicated, arrangements should have been made to have her escorted home in a safe manner.

The same could be said about poor judgment when Vanessa Stout was allowed to continue to come to the apartment after she became an employee of the office.

It is our hope that all of our recommendations will be accepted and the office can be realigned to maximize its effectiveness.

Our investigative scope was very narrow. We were charged to look into the allegation of two complainants against one individual. We did not assume the role of being the moral police, therefore, even though there were rumors of affairs between management and female subordinates, it was not our responsibility to investigate the accuracy of those rumors.

We are sure that those rumors were fueled by the actions of a very few people and members of their families.

Cronyism has no place in the Attorney General's Office. Individuals should be hired based on their ability to do the job and not because of friendships without regard for their qualifications.

It should be noted that this office has over 1,400 employees, including 400 attorneys, and this investigation involved a handful of people. We are confident that the majority of employees are dedicated professionals who provide a valuable service to the Attorney General's Office and the State of Ohio.



Cindy Stankoski



Anthony Gutierrez



Jessica Utovich



Leo Jennings