

Message

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Sent: 3/25/2019 2:41:59 PM
To: Michael Kilbane [/o=First Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=kilbanem]
CC: Letitia Linker [/o=First Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=fbf42ee5c35d4b09ba2f9364ad3b3203-Letit]; Anthony Togliatti [/o=First Organization/ou=First Administrative Group/cn=Recipients/cn=togliattia]
Subject: Telephone Conference with Robert Phillips

Chief,

I spoke with Bob Phillips and below is a recap (in general) of our discussion which was pleasant.

We discussed the areas that a pre-disciplinary hearing would cover: (1) circumventing the chain of command, (2) overt disregard for directives of a superior officer; and (3) lying/dishonesty. On the lying/dishonesty, Bob kept reverting back to the fact that all the incidents of dishonesty are "internal" (assuming them to be true). I explained I do not appreciate the difference between an "internal" versus "external" statement of dishonesty. If a person lies to their employer as a police officer it should not matter what context the lie was made. Bob said the City would never get an arbitrator to agree to a termination of an officer with 26 years of service. I informed Bob the City would not be seeking his termination and provided that we would demote Lenny to patrol officer. I think Bob understood the City's position and strategy. We discussed the viable alternative of Lenny retiring at his current grade without Bill Evans report being created.

We discussed generally an arbitration that included, in part, dishonesty disqualifiers. Bob is taking the position that a "Brady Disqualifier" only occurs when there has been adjudication of the officer's deception. I reminded Bob that would include an arbitration in my opinion. I informed Bob that the City would be left with whether Lenny could serve as a police officer if he was disqualified as a witness because of dishonesty. Bob stated as a Lieutenant, Lenny would never be called to testify in any cases. I disagreed with that position. Also, he stated that Prosecutor O'Malley has recalled his letter directing all police departments to submit names of police officers who have been deemed dishonest. I told Bob if, after an arbitration, it was found that Lenny could not serve as a witness than at that point the City may take the position he cannot serve an essential function of his position which could affect Lenny's employment.

Bob kept on saying that in Lenny's mind this all boils down to Lenny being accused of leaking to the press an ineffective policy. Bob believes that is what he is dealing with up to this point unless he can get specifics to review and discuss with Lenny. I informed Bob that regardless of what Lenny may believe on a policy, it is his duty to implement a policy that City has

decided to pursue and it is Lenny's actions (the three areas of the pre-disciplinary conference above) that is the reason for Lenny's current position.

Bob asked that I provide him "bullet points" of the possible charges so that he can sit down with Lenny. I informed Bob that I may not be able to provide those to him if that in some way the bullet points would limit the City with its actual charges against Lenny and evidence should the matter proceed to arbitration. I told him that I would call him back after speaking with you.

Greg

Taft /

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