

November 12, 2021

Via email to Eddie.Marcus@civ.ohio.gov

Eddie L. Marcus
Ohio Civil Rights Commission
Lausche State Office Building
615 W. Superior Avenue, Suite 885
Cleveland, Ohio 44113

Re: *Rebecca Corrigan's rebuttal to Olmsted Township's position statement – Charge Nos. CLE 74 (46476) 06242021; CLE 74 (46640) 09172021*

Dear Mr. Marcus:

On behalf of Rebecca Corrigan, we respectfully submit this rebuttal to Olmsted Township's position statement. The statement responded to two charges submitted by Ms. Corrigan. She filed her first charge on June 24, 2021, which addressed continuing sex-based harassment and retaliation by Olmsted Township trustee Larry Abbott. On September 16, 2021, Corrigan filed a supplemental charge with the Commission describing further retaliation against her by the township, notably a baseless internal investigation targeting Corrigan and her placement on an extended administrative leave. At the Commission's request, we address each charge separately below.

In its statement, Olmsted Township concedes many of the facts from Ms. Corrigan's charges, including that its own internal investigation found that Trustee Abbott unlawfully retaliated against Corrigan for reporting that he had created a hostile work environment. Rather than defend its trustee's conduct, the township claims that it was helpless to address it. As detailed more below, that defense is unfounded as a matter of both fact and law. The township had additional remedial actions at its disposal to protect Ms. Corrigan that it *could* have employed—but didn't. The township's statement also fails to present a legitimate non-retaliatory justification for the additional actions taken against Corrigan after she filed her initial charge with this Commission.

I. *Initial OCRC Charge – No. CLE 74 (46476) 06242021*

A. *Olmsted Township does not dispute key facts outlined in Ms. Corrigan's charge, including that its internal investigation found that Trustee Abbott engaged in a "pattern of retaliatory behavior" against Ms. Corrigan.*

Before reviewing the heart of the township's defense, the Commission should consider what the township has not attempted to dispute. Its statement recognizes that Corrigan was hired by the board of trustees and works at the pleasure of the trustees, including Larry Abbott, thus making the trustees her supervisors. This fact is reinforced by the reference to R.C. 505.032, which states that a township administrator works "under the direction of the board of trustees."

In its statement, the township does not address or dispute that Abbott's treatment of Corrigan changed after their relationship ended—including that he took actions to undermine her authority, became unresponsive to township-related communications, and unjustifiably rated Corrigan lower on performance reviews.

The parties agree that Corrigan reported workplace harassment to the township's human-resources consultant, Dyann McDowell, which led to an initial internal investigation. (The township's statement wrongly implies the issues concerned only Jenn Abbott. Corrigan also reported to McDowell that Trustee Abbott had taken actions against her including a low-rated evaluation and seeking unfavorable changes to Corrigan's contract.¹) After McDowell's initial investigation, during a November 2019 meeting, Trustee Abbott was asked to resign—or, alternatively, to take professionalism and ethics training. He refused to do either.

The township does not dispute the conclusions of the June 22, 2020 investigative report commissioned by the trustees. Nor does it dispute the underlying fact findings summarized in the report. Importantly, the township does not deny or rebut the investigative fact findings against Trustee Abbott, who was found to have engaged in a pattern of retaliatory behavior against Corrigan.² Rather the township's statement acknowledges it was foreseeable that Mr. Abbott's phone calls to township employees about the affair would have made township employees uncomfortable.

The township's statement does not dispute that Trustee Abbott violated workplace rules established to limit his contact with Ms. Corrigan. The statement also does not rebut that Abbott has continued to undermine her authority through his communications with township personnel, all of whom (except the trustees) work under Corrigan. The township is effectively conceding this—but refusing to do anything about it.

B. Olmsted Township's reference to Ms. Corrigan's employment contract is a red herring.

In setting the table for its defenses, the township explained that Corrigan has an employment contract set to expire on October 23, 2022. That information is irrelevant to whether the township violated Corrigan's rights to be free from unlawful harassment and retaliation. The only relevance Corrigan's contract term has in this matter is possibly in connection with her economic damages, depending on what actions the township takes going forward. Yet the contract term itself sets no cap on her potential front pay. Contract terms are often extended when an employee is performing well. Because Corrigan's performance reviews from the trustees have been largely positive, her contract would have likely been extended.

C. Trustee Abbott's status as an elected official shields neither him nor Olmsted Township from liability for his unlawful actions.

The crux of the township's defense to the initial charge is that the board of trustees lacked the ability to take actions to effectively address Trustee Abbott's actions against Corrigan. This

¹ See Attorney Kuntz Investigative Memo (July 22, 2020), at 2, attached as **Exhibit 1**.

² *Id.* at 5.

argument alludes to the *Faragher/Ellerth* affirmative defense, recently codified under Ohio law at R.C. 4112.054.³

Generally, “an employer is subject to vicarious liability to a victimized employee for an actionable hostile environment created by a supervisor with immediate (or successively higher) authority over the employee.”⁴ Under this rule, Olmsted Township is vicariously liable for the hostile work environment that Trustee Abbott, Corrigan’s supervisor, created for Corrigan.

In *Faragher* and *Ellerth*, the Supreme Court established an affirmative defense for employers against liability for actionable hostile environments created by supervisors. To establish the defense, an employer must prove by a preponderance of the evidence that:

- (a) “the employer exercised reasonable care to prevent and correct promptly any sexually harassing behavior, and
- (b) [] the plaintiff employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise.”⁵

The township’s reliance on this defense is flawed for three reasons.

First, the *Faragher/Ellerth* defense is limited in scope. As established by the Supreme Court, the defense applies only to hostile-work-environment claims.⁶ And under the codified version of the defense, R.C. 4112.054,⁷ the defense is expressly limited to hostile work environment sexual-harassment claims.⁸ The defense does not extend to retaliation claims, which represent a substantial component of both of Corrigan’s charges.

The *Faragher/Ellerth* defense also does not absolve Trustee Abbott of individual liability under R.C. 4112.02(J) for aiding and abetting unlawful discrimination. And it does not apply to any “tangible employment actions”—such as Corrigan’s placement on administrative leave.⁹

Second, the township cannot show that Corrigan unreasonably failed to take advantage of any preventive or corrective opportunities, as required for the defense. So the township cannot satisfy both necessary elements of the defense.

Third, the township failed to exercise reasonable care to promptly correct Trustee Abbott’s harassment against Corrigan. In most employment contexts, when a supervisor continues to harass and retaliate against a subordinate—even after the issue has been reported and

³ See *Faragher v. City of Boca Raton*, 524 U.S. 775, 807 (1998); *Burlington Industries, Inc. v. Ellerth*, 524 U.S. 742, 765 (1998).

⁴ *Faragher*, 524 U.S. at 807; *Ellerth*, 524 U.S. at 765.

⁵ *Id.* (“The defense comprises two necessary elements”); see also R.C. 4112.054(B) (setting forth substantially similar elements for the affirmative defense).

⁶ *Faragher*, 524 U.S. at 807; *Ellerth*, 524 U.S. at 765.

⁷ R.C. 4112.054 became effective April 15, 2021.

⁸ R.C. 4112.054(B).

⁹ *Faragher*, 524 U.S. at 807; *Ellerth*, 524 U.S. at 765; R.C. 4112.054(C).

investigated—the reasonable response for the employer is to terminate the supervisor’s employment.¹⁰

While it’s true that Trustee Abbott couldn’t be fired at-will, the remaining two trustees could have taken steps to remove him from office. As noted in the township’s statement, R.C. 3.08 provides a mechanism to remove township trustees who commit misconduct in office. Trustees Kress and Zver could have organized the filing of a complaint to initiate removal proceedings, which would then have been tried before a common-pleas court.

The township’s statement wrongly dismisses this measure. The fact that the township, as an entity, would not ordinarily initiate the removal proceedings does nothing to negate that it was a remedial action available to its trustees acting individually or on behalf of the township. Nothing in R.C. 3.08’s statutory scheme for removal prohibits the township from sponsoring or initiating the removal process. The other trustees—together a board majority—were well-positioned to organize an effort to initiate removal proceedings. But they did not attempt to do so.

Besides seeking Trustee Abbott’s removal, the other trustees could have also maintained and *enforced* the workplace rules the township implemented to address Abbott’s behavior. The township’s statement does not dispute Corrigan’s claims that Abbott violated the workplace rules, including the rule barring him from communicating directly with Corrigan. Nor does the township suggest that Trustee Abbott faced repercussions for doing so. The trustees could have—and *should have*—enforced the rules against Trustee Abbott when he violated them, including reprimanding him internally or through a public censure.

Notwithstanding the potential actions mentioned above, if one were to assume that the township indeed *could not* have taken reasonable corrective actions to address Trustee Abbott’s harassment, that would *not* defeat Corrigan’s harassment claims. Rather the township’s inability to take corrective action would simply foreclose it from establishing the *Faragher/ Ellerth* affirmative defense. The township’s supposed inability to address harassment does not immunize it from liability for its own trustee’s actions.

The township’s defense raises a problem. Serious implications arise from the township’s position that it can’t be liable because the harassment was carried out by one of its elected trustees. If that were so, it would mean that no government entity in Ohio could be liable for unlawful harassment by its own elected officials. Such a legal interpretation isn’t supported by Title VII or R.C. 4112.02, which apply to government entities as “employers.”¹¹ And the power dynamics associated with elected officials make it vital that government entities are held accountable when elected officials unlawfully harass their subordinates.

¹⁰ See, e.g., *Hawkins v. Anheuser-Busch, Inc.*, 517 F.3d 321, 344 (6th Cir. 2008) (harasser promptly investigated, suspended, then fired); *Smith v. W.R. Grace & Co.*, 116 F.3d 1480, 1997 WL 357836, *3 (6th Cir. 1997) (unpublished); *Stanley v. U.S. Enrichment Corp.*, No. 2:07-CV-656, 2009 WL 88623, at *4 (S.D. Ohio Jan. 12, 2009); *Jarvis v. Gerstenslager*, 9th Dist. Wayne Nos. 02CA0047 and 02CA0048, 2003-Ohio-3165, ¶¶ 32–33. See also *Wyatt v. Nissan North America, Inc.*, 999 F.3d 400, 414–415 (6th. Cir. 2021) (four-week delay before termination decision precluded summary judgment on employer’s *Faragher- Ellerth* defense).

¹¹ 42 U.S.C. § 2000e(a)–(b); R.C. 4112.01(A)(2).

Just as a sole proprietorship or closely held business is expected by law to protect employees from sexual harassment and retaliation, so is a government—even when doing so is challenging. The solution is not to say, as the township apparently does, “There’s nothing we can do about it. Ms. Corrigan will just have to live with it.” That is not and cannot be the law.

D. Trustee Abbott’s harassment of Ms. Corrigan was sufficiently severe and pervasive to support that he created a hostile work environment.

In almost throw-away fashion, the township’s statement states that Trustee Abbott’s conduct was not severe or pervasive enough to amount to an adverse employment action. Before considering that argument, the Commission should first note that the “severe or pervasive” standard applies only to Corrigan’s hostile-work-environment claims. It does not affect her claims of retaliation.

Determining whether harassing conduct is sufficiently severe *or* pervasive requires reviewing the totality of circumstances, including whether the conduct unreasonably interferes with an employee’s work performance.¹² Here, a crucial consideration is the nature of Corrigan’s job, which involves leading a large staff of government employees and advising the trustees on township matters.¹³ Trustee Abbott’s harassment of Corrigan—including communications with township employees that undermined her authority and violating workplace rules intended to address the harassment—repeatedly interfered with her ability to do her job effectively. Because Abbott’s actions persistently interfered with Corrigan’s work duties, they were sufficiently severe and pervasive to support her hostile-work-environment claim.

II. Supplemental OCRC Charge – No. CLE 74 (46640) 09I72021

Ms. Corrigan’s supplemental charge, filed September 16, 2021, provided a detailed timeline supporting that she was placed on leave and subjected to an investigation in retaliation for filing her initial charge. Olmsted Township’s position statement does not rebut any aspect of that timeline, including that it received notice of the charge in June 2021.

Instead, the township claims that employees separately came to Trustee Kress in July 2021 with complaints about Corrigan. The township’s position is suspect. The statement only vaguely refers to the nature of the employees’ supposed complaints. It does not identify the complaining employees (or even the number of such employees). And it does not specify how or when those employees complained. Nor does it say what they were allegedly complaining about. The township also provides no evidentiary support for its contention that the complaining employees were unaware of Corrigan’s charge.

Even if the complaining employees were unaware of Corrigan’s OCRC charge, that would not absolve the township of liability for retaliation. First, it is possible that the employees raised their complaints at the request of a trustee (who was aware of the charge)—thus supporting a cat’s paw theory of retaliation. That is rather plausible here. In response to a public-records request, the township produced the records that had been reviewed in connection with the investigation of Corrigan; many of the responsive records dated back to 2019 and 2020—clear evidence of

¹² *Waldo v. Consumers Energy Co.*, 726 F.3d 802, 814 (6th Cir. 2013), citing *Harris v. Forklift Sys., Inc.*, 510 U.S. 17, 23 (1993).

¹³ R.C. 505.032

pretext.¹⁴ The township also confirmed on August 13, 2021 that it had no records of any complaints against Corrigan in 2021.¹⁵

Second, the employees' complaints do not justify the township's decision to place Corrigan on administrative leave. Nothing in the township's investigation records reflects conduct or performance issues that warranted placing Corrigan on leave. As explained in Corrigan's supplemental charge, the investigation records reflect minor complaints from subordinates who Corrigan had to reprimand multiple times for performance issues. In a recent Cleveland.com article, Trustee Kress provided a comment suggesting that the investigation relates, if anything, to a relatively minor internal issue: "[the trustees] [a]re looking at operations, but it's not related to anything financial or legal."¹⁶ The feebleness of the complaints against Corrigan supports that the township trustees used them as a pretext for placing Corrigan on leave after she filed her initial charge.

Placing Corrigan on administrative leave has caused serious damage to Corrigan's professional reputation, which is vital to her ability to find and perform the work she does. Predictably, local news outlets picked up on the story, focusing on the township's report that she is under "investigation."¹⁷ The trustees understood this would happen. Such an overaggressive approach to Corrigan, purportedly in response to minor gripes from a few of her subordinates, speaks to the retaliatory motives that explain their actions. And the decision to publicize the "investigation" with an eye-grabbing, accusatory headline is yet another act of retaliation.

III. Conclusion

Ms. Corrigan appreciates the Commission's consideration of these charges. She respectfully requests that it reach findings in her favor. The township's defenses to its own trustee's harassing and retaliatory conduct are not legally founded. And the explanation it has proffered for placing Corrigan on leave lacks a sound basis, showing that it's a pretext for unlawful retaliation.

Sincerely,



Subodh Chandra



Patrick Haney

¹⁴ Corrigan Suppl. Charge (Sept. 14, 2021), Ex. 7.

¹⁵ Corrigan Suppl. Charge, Ex. 6.

¹⁶ John Benson, Cleveland.com, *Olmsted Township administrator under investigation (Updated)* (Oct. 28, 2021), <https://www.cleveland.com/community/2021/10/township-administrator-under-investigation-in-olmsted-township.html>.

¹⁷ *Id.*

July 22, 2020

CONFIDENTIAL- ATTORNEY CLIENT PRIVILEGED

Attorney Jim Mathews
Olmsted Township
7900 Fitch Road
Olmsted Township, Ohio 44138

RE: Rebecca Corrigan complaint investigation

Dear Attorney Mathews:

This letter is a summary of my findings based upon my investigation of the above referenced matter.

Summary of Investigation Steps

I interviewed the Complainant Rebecca Corrigan, the Accused Larry Abbott, and his wife Jen Abbott all in the presence of their legal representatives. Both parties provided me with numerous documents related to their position. In addition, I have interviewed thirteen (13) township employees/ office holders that were identified by either of the parties as individuals that may have information related to the underlying complaint.

Complaint of Rebecca Corrigan

Ms. Corrigan related several events that she felt were a continuation of the hostile work environment that she had previously filed on November 5, 2019, and for which an investigation was fully completed on November 24, 2019. Through her Attorney it also appears that she is also claiming that these events were in retaliation for her filing of the prior Hostile Work Environment complaint.

Background Information & Initial Investigation

Rebecca Corrigan has been employed by Olmsted Township since January of 2018 as a Township Administrator. In her position she reports directly to the Board of Trustees. In addition, she is the direct supervisor for most of other Township employees.

Larry Abbott was appointed as a Township Trustee in February of 2018. In the fall of 2019, Mr. Abbott ran for and was elected to serve the balance of a remaining term as Township Trustee effective January 1, 2020. Ms. Jenn Abbott is the wife of Larry Abbott and is not an employee of the Township.

In January of 2019, Ms. Corrigan, Mr. Abbott, and several other Township employees attended the Ohio Township Association Conference in Columbus Ohio. While at the conference they began a sexual

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relationship. This relationship continued through May of 2019 and both parties have indicated it was a consensual relationship. Following the end of the relationship, in June of 2019 Mr. Abbott revealed the relationship to his wife Jenn Abbott. From this time up to November of 2019, the information provided to me from the prior investigation and the parties demonstrates that there were ongoing issues between Ms. Corrigan and the Abbotts, especially with Jenn Abbott. It appears from this information that both Ms. Corrigan and Ms. Abbott engaged in behavior that was viewed as harassing and hostile towards the other while Mr. Abbott claimed that he could not control the behavior of his wife and took no steps to prevent it.

In October of 2019, Ms. Corrigan revealed the situation to Trustee Lisa Zver and Trustee Jeanene Kress. On October 29, 2019, and again on November 1, 2019, Ms. Corrigan discussed this situation with Dyann McDowell of Marbles Training Inc. who was acting as an HR consultant for the Township. On November 5, 2019, Ms. Corrigan made a verbal complaint of hostile work environment to Ms. McDowell. The complaint initially was that Jenn Abbott was continuing to try to intimidate her by coming into the workplace and meetings and that she no longer felt safe at work. At some time during the investigation other allegations were added. These allegations related to a low rated performance evaluation done by Mr. Abbott of Ms. Corrigan and the fact that Mr. Abbott requested that certain terms in her contract renewal were changed at the last minute that she felt was adverse.

As a result of the complaint, an investigation was conducted by Ms. McDowell under direction of Attorney David Riepenhoff who was acting as counsel to the Township for employment related matters. On November 11, 2019, Ms. McDowell provided a preliminary written report to Attorney Riepenhoff and a verbal summary of this report at a special meeting of the Board of Trustees. As a result of the verbal report, Attorney Riepenhoff, and the other Trustees requested that Mr. Abbott resign as Trustee which he refused to do. Mr. Abbott was also asked to attend training on ethics and professionalism which to date has not been done.

On November 24, 2019 Ms. McDowell provided a written summary of this initial investigation to Attorney Riepenhoff. In the summary she found that the following: (1) the conduct of Larry Abbott towards Rebecca Corrigan did not meet the standard of severe or pervasive; (2) Mr. Abbotts conduct was not based on the protected status of Ms. Corrigan as provided in Township Policy 14.10; and (3) that reporting by Ms. Corrigan did not occur immediately as provided in the Township Policy. Despite these findings, the Township revised the evaluation of Ms. Corrigan to only contain reviews from Ms. Kress and Ms. Zver. The Township also conferred with counsel who determined that the contractual changes that Ms. Corrigan felt were adverse were appropriate and therefore were not changed. Finally, the Township on December 4, 2019 officially adopted a visitor policy that was allegedly done to keep Mrs. Abbott from entering the Township administrative offices where Ms. Corrigan was working.

Findings

Since the prior investigation had been fully completed, my review and recommendations are related to the events that have continued after the November 11, 2019 special meeting of the Board of Trustees where Mr. Abbott was asked to resign. I am not re-evaluating the prior investigation and will not re-evaluate its findings.

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I am construing the findings by the legal standards for Title VII hostile work environment discrimination and Title VII retaliation. Harassment is unwelcome conduct that is based on race, color, religion, sex, national origin, age, disability or genetic information. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. An employee who alleges status-based discrimination under Title VII need not show that the causal link between injury and wrong is so close that the injury would not have occurred but for the act; so-called but-for causation is not the test, and it suffices instead to show that the motive to discriminate was one of the was one of the employer's motives.

With regards to retaliation, the EEO laws prohibit punishing employees for asserting their rights to be free from employment discrimination including harassment. Asserting these rights is "protected activity," and it is unlawful to retaliate against employees for filing a complaint, investigation, or communicating with a supervisor or manager about employment harassment. The EEOC has indicated that an example of retaliation due to an employee's protected activity includes making the person's work more difficult. The legal standard for a finding of retaliation under Title VII is a "but for" test. (University of Texas Southwestern Med. Ctr v. Nassar, (2013) 570 US 338).

During my investigation I have found the several instances where I believe that Larry Abbott has retaliated against Rebecca Corrigan for having filed the prior hostile work environment complaint. These incidents are set forth below.

The first instances occurred after the November 11, 2019 special meeting of the Board of Trustees. It was at this meeting that the other Trustees and Attorney Riepenhoff requested his resignation. After the meeting, Mr. Abbott admitted to personally calling many of the Township Department Heads, including Police Chief Vanyo, Fire Chief Kelly, Assistant Fire Chief Methvin, and Service Director Williams. During this telephone conference he informed them that he had had an affair with their Supervisor Rebecca Corrigan. He indicated that he wanted to get their input on whether he should resign and to give them his side of the story. Apparently at the same time, Jenn Abbott had also called two Township administrative assistants regarding the matter. All these individuals were employees who had Rebecca Corrigan as their direct supervisor.

Mr. Abbott indicated that he felt he needed to call because Ms. Corrigan had already been telling employees she had an affair with an unnamed person and that the jealous wife had been stalking her. He felt that he wanted to defend his wife. He also indicated that Ms. Corrigan had posted a staff meeting for the next day and he assumed that she was going to tell them. He further stated that it was not his intent to embarrass or retaliate against Ms. Corrigan but rather he wanted the input on whether he should resign.

With few exceptions, the individuals called indicated that they were uncomfortable with the phone call and its revelations. Some of the witnesses indicated that these calls occurred while they were at work. Most of the witnesses indicated that they had just listened without providing any meaningful feedback. Interestingly, none of them indicated that either of the Abbott's asked for their opinion on whether Mr. Abbott should resign which is one of Mr. Abbotts stated reasons for the call.

Most of the witnesses also indicated that this phone call made working for Ms. Corrigan and Mr. Abbott extremely uncomfortable. At least one of the witnesses indicated that the tension and stress of now having to work with them both was negatively impacting her and that it has made it horrible to come to work. Several witnesses have indicated that the revelation and how it was handled by Mr. Abbott has eroded Ms. Corrigan's authority at work. Several witnesses also indicated that afterwards they felt like they were being asked to take sides when talking to one or the other. These calls were also so disruptive that HR Consultant McDowell indicated that she had to spend from early morning until 10:30 p.m. the next day trying to handle all of the issues and described it as having a huge impact on the workplace. One of the witnesses also indicated that Ms. Corrigan seemed surprised and embarrassed that he had called them and that she stated that she was sorry that Mr. Abbott had drug them into this personal matter.

Another instance that I believe is retaliatory is the April 17, 2020 email from Larry Abbott to Trustee Zver, Trustee Kress, Brian Gillette and Law Director Mathews where he outlines in detail the circumstances surrounding the affair, its end and the continuing issues between his wife and Ms. Corrigan. This email is from the email account given to him by the Township and went to all the individuals at their Township email accounts. When asked why he had sent out the email, he indicated that it was after he had again been asked to resign on April 8, 2020 the date the Board authorized this investigation. He also indicated that it was in response to the Press release from the Township on this investigation and an article printed in a Cleveland.com article about the investigation. (It should be noted that the press release and article were published after April 17th and it is not persuasive that they were a motive in writing this email).

I believe that this email is arguably a public document under the Ohio Sunshine Laws. It is also the type of airing of private personal matters that was done to put out his side of the ongoing domestic disputes. In several places this storytelling paints Ms. Corrigan in a very negative light and it appears to be done to persuade the reader to take his side of the ongoing issues that have resulted from his poor decision making in having an affair with a subordinate employee. Several witnesses have indicated that this communication has had the impact of making it difficult on Ms. Corrigan to do her job effectively and professionally.

There were also several instances that relate to governance that had been alleged to be evidence of a hostile work environment. These basically relate to Mr. Abbott's style of interacting on Township business since the allegation. These instances include an alleged failure to respond to group emails requesting input from the Trustees, copying or sharing emails with his wife that relates to Township business and trying to subvert Ms. Corrigan's position and go directly to Township employees for information. Prior to the end of the affair, the witnesses all indicated that Mr. Abbott was very engaged and responsive to Ms. Corrigan and that this had changed after the end of the affair and had worsened after the November 11 revelation to the staff. Mr. Abbott has indicated that these allegations relate to nothing more than his style of management and are not intended to be anything more than his way of responsibly doing the Township business. He did admit that after the affair had ended, he had cut off what he deemed as nonessential communication. Under the retaliation standards, there is evidence that the change in his management styles towards his interaction with Ms. Corrigan has made her work more difficult and could be construed as retaliatory.

Lastly, I am very troubled by Mr. Abbott's continued lack of understanding of the impact of his behavior towards Ms. Corrigan. An example of this is the June 14, 2020 email from his Township email account to other Township officials accounts related to a matter of Township business. In the email he stated: "**I can not wait for the day when this BS investigation is over.**" This email was copied on Ms. Corrigan, and

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several others. Clearly, this statement was insulting towards Ms. Corrigan and her allegations and was put in an email related to Township business.

I have also been provided information related to several incidents that show the continuing issues between Ms. Abbott and Ms. Corrigan especially related to Ms. Abbott's attendance at Township meetings and public events related to the Township. Since these types of events are generally open, any member of the public may attend including Jenn Abbott so long as they are not disruptive.

I have not been provided any information that would lead me to believe that Ms. Abbott has behaved in a manner that would cause the Township to take steps to bar her from attending its meetings under the current state of the law. (The recently adopted Policy on Meeting Decorum is a good summary of these standards.) That being said, it is my belief that Ms. Abbott's sudden appearance and involvement in Township business is related to her husband's affair with Ms. Corrigan. This attendance while certainly within her rights as a citizen has obviously inflamed a difficult circumstance and has an impact on Ms. Corrigan's work environment.

Finally, I have been provided a series of letters between Ms. Abbott and Ms. Corrigan's attorneys that began in March of 2020. I was also provided anonymous letters demanding action against both Mr. Abbott and Ms. Corrigan. The Attorney letters and threats within them are again examples of private personal disputes being drug into Township operations to everyone's detriment. The anonymous letters are not surprising given the very public manner that the parties are airing this personal issue.

As an Employer, the Township has the obligation to provide a workplace that is free from discrimination and retaliation. I believe that the circumstance outlined herein demonstrate a pattern of retaliatory conduct by Larry Abbott toward Township employee Rebecca Corrigan, and the Township will need to take remedial steps to correct it and to stop it in the future.

Very truly yours,

KRUGLIAK, WILKINS, GRIFFITHS
& DOUGHERTY CO., L.P.A.

A handwritten signature in black ink, appearing to read "Leslie I. Kuntz", with a stylized flourish at the end.

Leslie I. Kuntz