

COMMONWEALTH OF KENTUCKY
PERSONNEL BOARD
APPEAL NOS. 2019-016 and 2019-065

MICHAEL WILLIAMS

APPELLANT

V. FINDINGS OF FACT, CONCLUSIONS OF LAW
AND RECOMMENDED ORDER

JUSTICE AND PUBLIC SAFETY CABINET,
DEPARTMENT OF CORRECTIONS

APPELLEE

* * * * *

This matter came on for evidentiary hearing on December 14, 15, 16, and 18, 2020, at approximately 9:30 a.m., EST, each day at 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky, before the Hon. Colleen Beach, Hearing Officer. The proceedings were recorded by audio/video equipment and were authorized by KRS Chapter 18A.

Appellant, Michael Williams, was present, and was represented by the Hon. Thomas Clay. Appellee, Justice and Public Safety Cabinet, Department of Corrections, was present and represented by the Hon. William Codell.

BACKGROUND

1. Appellant was terminated from the Kentucky State Reformatory (KSR) by letter dated March 21, 2019, for lack of good behavior, violation of CPP 3.5, and unsatisfactory performance of job duties. A copy of the termination letter is attached and incorporated by reference as **Recommended Order Attachment A**.

2. The Appellee had the burden of proof, by a preponderance of the evidence, to show that the dismissal action herein was neither excessive nor erroneous, and was appropriate under all the surrounding circumstances.

3. Appellee, Justice and Public Safety Cabinet, Department of Corrections, called its first witness. **Nora Perkinson** works at Kentucky State Reformatory as a contract employee through Correct Care Solutions, now known as Wellpath. She is employed as the Eye Clinic Coordinator and began her employment there in 2014.

4. Perkinson stated she is acquainted with Michael Williams, who was employed at KSR as an Internal Affairs Captain until his dismissal. She testified that she did not see him frequently, but he would sometimes "call me into his office or come into mine." She added that

he occasionally made inappropriate comments to her. Specifically, he told her that she “had a nice body,” and that he wanted “to get with her.”

5. Perkinson dated another employee at KSR, Lt. Steven Miller. Perkinson testified that Williams asked her why she was dating him, and stated that he thought Miller was “odd, strange.”

6. Sometime in late June or early July, 2018, Appellant entered her office and shut the door. He then “wrapped his arm around her waist and stuck his tongue in [her] mouth.”

7. Perkinson was asked if she knew John Grevious, another KSR employee. She stated that she did, and that one time in June 2016 or 2017, they had been “intimate” in the Segregation dormitory. However, she later learned that he had a live-in girlfriend, so she stopped pursuing a romantic relationship with him.

8. On another evening approximately a year later, during the summer of 2018, Grevious had come to her home, and they sat talking on her porch. She related to Grevious that Williams had kissed her. Later that summer, Grevious came over to her house uninvited. They talked for a while then, “he pulled her clothes off.” After she resisted, he “told [her] to stop acting like a child.” They then engaged in sexual intercourse, which Perkinson testified was “by force and against [her] will.” She told Officer Fulton, a coworker at KSR, about the assault.

9. On October 31, 2018, Perkinson was called into Warden Anna Valentine’s office. Valentine asked Perkinson if she had been subjected to inappropriate behavior by a staff member. Perkinson initially denied that she had. “I was fearful, terrified that I would lose my job,” she stated. Later that day, Perkinson changed her mind and decided to disclose what had happened with Grevious and Williams. She did so in a written statement, which reads:

A few months prior to this date 10/31/18, Captain Mike Williams came into my office asking me about my relationship with Lt. Steven Miller. He began telling me I could “do better than that, everybody is wondering what you are doing.” Told me he had been watching me, that he like the way I looked. He stayed in my office for 20 minutes or so, we talked about his car, exchanged car interests. Occasionally during the conversation he would make comments about my body and that I “looked real good.” Before he left he turned around and kissed me.

The months following he called me up to his office two times. Once to retrieve the “missing” laptop after it was discovered and once before he went on vacation. He did however make mention of “getting with me” after he got back from his trip.

During the same time, John Grevious came to my house twice. The first time he came over we talked on my back porch I made mention of what happened with Captain Williams. The second time he came to my house I

let him in and about 20 minutes later he started kissing me and what I felt was him forcing himself on my sexually. I later told him I didn't appreciate what he had done and he told me I wanted it just as much as he did.

I chose not to report either instance in fear of retaliation and humiliation.”
(sic) (Appellee's Exhibit 1.)

10. Perkinson was asked why she waited for approximately three months to report Williams' kiss. She testified, “Fear, depression, shock, not knowing who to report it to. Also, I saw other people get fired for saying these kinds of things.”

11. Perkinson was asked if she told Jeff Hulker, who conducted the investigation into the allegations Perkinson made against both Williams and Grevious, that she had previously had intercourse at KSR with Grevious. She stated that she had not because “he didn't ask, and that wasn't important at the time.” She added that she was not familiar with Hulker and was not sure if he was possibly investigating Perkinson's own conduct.

12. Perkinson affirmed that she was still “terrified” on June 6, 2019, the date of Williams' unemployment hearing. She responded, “Yes, I was terrified of retaliation. I was terrified they [Williams and Grevious] would come back to KSR.”

13. Perkinson was asked if she and Grevious had engaged in consensual intercourse in the Segregation Dormitory.” She stated, “I am going to say yes.” She admitted that she and Grevious had been flirting, but added that Grevious had a girlfriend, and she did not want to be his “side chick.” She added that if he did not have a girlfriend, she would be “okay with dating him.” Perkinson stated that she had been flattered by Grevious' interest in her.

14. The statement she wrote on October 31, 2018, for Warden Valentine (Appellee's Exhibit 1), was not the only statement Perkinson wrote. She prepared a longer one that was introduced into the record as Appellant's Exhibit 1. In this statement, Perkinson mentions that she was flattered by Williams' attentions, “[H]owever- MW- was married to -JW- and she works at KSR as well and I was not going to entertain the thought of getting involved with a married man who is also high ranked in DOC IA. On the other hand, however, I also knew about his reputation for finding reasons to walk out female employees who didn't comply with his advances.” (Appellant's Exhibit 1.)

15. Williams called Perkinson into his office two other times after he kissed her. Once was in regard to a missing laptop; the other time occurred right before he went on vacation. Perkinson testified that Williams told her then that he was going to “get with her” when he returned. Perkinson was asked if she told him she was flattered by his advances. She responded, “I felt uncomfortable with it because of his wife.” Perkinson admitted that she had said to Williams that she respected Jodie Williams “too much to have a relationship with her husband.”

16. Perkinson stated that she had informed Grevious about the kiss. He asked her "if she was going to f*** Williams." She was offended by this question. She admitted that she had told Grevious she was tired of married men.

17. Perkinson denied that she had invited Grevious over to her house the evening he sexually assaulted her. She stated that she had told him not to come over, but he came anyway. When he arrived, she did not tell him to leave, and she permitted him inside. At first they sat on the couch together, and then kissed. Then Grevious began "pulling her clothes off." She objected and told him "no." Grevious told her to stop acting like a child. They then engaged in sexual intercourse. She believed he raped her. She told Officer Fulton about the incident the next day. She also told Sonya Tapia about the incident, relating to her that Grevious had "forced himself on her." Perkinson instructed Tapia not to tell anyone.

18. Perkinson was asked to refer to the Investigation Report prepared by Jeff Hulker (Appellee's Exhibit 6.) On page 4 of the report, Hulker reported that Perkinson had told him that Grevious had "removed her shirt," but that no other items of clothing were removed. Perkinson stated that the report was "incorrect," that Grevious had never taken her shirt off. She then added that she did not remember anything about this interview because she "was in extreme distress" at the time. [**Hearing Officer Note:** In the November 1, 2018 recorded interview of Perkinson by Hulker, she told him that "He (Grevious) was trying to undress me." Hulker asked her, "Did he take part of your clothing off?" She answered, "Yes." However, Perkinson did not tell him in this interview that Grevious had specifically taken off her shirt, as Hulker incorrectly noted in his report. (Appellant's Exhibit 16.)]

19. Perkinson admitted that she had told Grevious about her second job, and that sometime after the incident at her home, he had come by to visit her there.

20. **Jacob Fulton** is a Sergeant at KSR. He is acquainted with Michael Williams when he was employed at KSR as an Internal Affairs Captain. He is acquainted with Nora Perkinson, who is his coworker at KSR.

21. Fulton testified that he was aware of an allegation that a KSR employee had "forced himself" on Nora Perkinson. Perkinson had told him about the incident one day at work, and Fulton then reported it to Appellant the next day, July 23, 2018, in a written note that was introduced into the record as Appellee's Exhibit 2. The note reads:

"On July 23 @ 2018 @ appr. 5:00 p.m. I C/O Fulton was in the eye clinic talking with Nora [Perkinson]. During the conversation she stated that she invited someone from work over to her house (no exact date). And that person (no names given) pushed himself on her. She stated to me that she said no. And she said no many times and that she finally let it play out. Turning this in due to my obligations." (Sic) (Appellee's Exhibit 2.)

22. On cross-examination, Fulton stated that, after he gave the note to Williams, Williams and Lt. Grooms discussed the fact that the incident had occurred “off site.” Appellant then told Fulton that Perkinson needed to notify outside law enforcement instead.

23. **Jeff Hulker** is employed in the Internal Investigations Branch (IIB) of the Justice and Public Safety Cabinet. Prior to working for the Cabinet, Hulker had been employed in the Frankfort, Kentucky, Police Department for twenty-five years. During his last five years there, his focus was on domestic violence cases, crimes against children, adult exploitation, and missing person cases.

24. Hulker is currently employed as a Special Investigative Agent III. He is assigned cases pertaining to personnel issues, Equal Employment Opportunity (EEO) investigations, and reviews of abuse of force in the Department of Juvenile Justice. Hulker stated that he received special training in EEO issues in January 2018.

25. Hulker was the investigator assigned to Perkinson’s claims against Williams and Greivous. He conducted his investigation by “reviewing documents, interviewing the victim first, then potential witnesses, and the alleged perpetrators.” He completed two investigative reports, introduced into the evidence as Appellee’s Exhibits 3 and 6. In his report for Case #EEO-14-2018, Hulker investigated the allegation that Perkinson was subject to unwanted physical contact by John Grievous. In his report for Case #EEO-13-2018, the allegation that Hulker looked into was described as follows:

Kentucky State Reformatory (KSR) Internal Affairs Captain Michael Williams allegedly made comments to Well Path Coordinator Nora Perkinson stating that he liked the way she looked and other comments indicating interest in a relationship. Allegedly, while in Perkinson’s office during the summer of 2018, Williams subjected her to unwanted physical contact by kissing her on the mouth. Well Path is contracted by Kentucky Department of Corrections (KDOC) to provide medical related services. (Appellee’s Exhibit 3.)

26. Hulker interviewed several witnesses during the course of his investigation into this allegation. He interviewed Nora Perkinson on November 1, 2018. She told him “Several months ago, (summertime), she was in her office when Williams came by.” They first discussed cars, then the conversation turned to another KSR employee she was dating, Steven Miller. Perkinson stated that Williams told her she “could do better.” Williams also made statements that he “had been watching her,” and that he “liked the way she looked.” He had closed the office door, and while they were both walking toward it, he turned around and kissed her on the mouth. The kiss was “open mouth” and more than a “little peck” and she was “shocked” that he kissed her.” After the incident, Williams would “occasionally stand at the door of her office and they would talk, at times, he would come in and sit in her office.” Perkinson told Williams that she “did not make it a habit to have relationships with married men.” She did have contact with him later regarding a missing computer, at which time he told her she was “looking good.” Perkinson stated that she was flattered by these comments, but “she also knew he should not be making those types of

comments to her.” Another time, Williams called her to his office the day before he was leaving for summer vacation. He told Perkinson that he “wanted to get with her” when he returned. (Appellee’s Exhibit 3, pp. 4-5.)

27. In addition to Perkinson, Hulker interviewed eleven other KSR employees. In his report, their statements are summarized as follows:

Ginny Fentress: She heard from Marlene Powell that Perkinson had told Powell that she “was in a relationship” with Grevious and Williams. Fentress had observed Williams “often” in Perkinson’s office, at times with the door closed. Two or three weeks prior to her interview with Hulker, she had seen Williams “skin to skin close” to Fredia Shelton and they were “whispering.” In her opinion, Williams has the reputation for being a “hound dog and ladies man.”

Tara Aldridge: Fentress casually asked her one day “What does Jodi [Williams] think of her husband sleeping with all these nurses?” Aldridge told Rucker and Kimberly Campbell what Fentress had said to her. She also advised a Deputy Warden about this statement.

Hilary Rucker: Fentress made a statement to her about Williams having an affair with a member of the medical staff on site. She wrote a statement regarding this and gave it to Deputy Warden Stack. According to Rucker, Williams was in the medical area “all the time.”

Marlene Powell: Sonya Tapia related to Powell that Perkinson had told her Williams had kissed her in her office. She had “heard things” over the years about “other women and Williams.”

Sonya Tapia: Sometime in July or August, 2018, Perkinson told her that “...Mike [Williams] ran his tongue down her throat.” Tapia often heard Williams in Perkinson’s office laughing and joking around...”

- Fredia Shelton: She stated “No staff at KSR has ever said or did anything (sic) that has made [me] uncomfortable during [my] employment at KSR.”
- John Grevious: He stated that Perkinson “told him about Williams showing interest in her.” Perkinson also relayed to Grevious that Williams had told her she was “too good” for Lt. Miller. Grevious advised Perkinson to tell Williams if she was not interested in him. Grevious could not recall if Perkinson had told him that Williams had kissed her. He joked with Perkinson, “You have Captains chasing you too.”
- Kelsey Diaz-Esquivex: She has observed Williams in Perkinson’s office, talking to her.
- Jesse Stack: Rucker reported to Stack that she had heard there was “possible inappropriate behavior between nursing staff and Williams.”
- Kimberly Campbell: She heard Aldridge tell Rucker that Williams was having a relationship with Perkinson.
- Phillip Campbell: Rucker told him she had heard a rumor that “a higher-level internal affairs staff had messed around with some medical staff downstairs while on the clock and on the premises of the institution.” Rucker told Campbell the staff members were Williams and Lt. Jeremy Ball.
- Michael Williams [Appellant]: He stated that he has had business-related conversations with Perkinson in the last two or three years, the most recent concerning an issue with a missing computer. He denied that he wanted to pursue a relationship with Perkinson, that he had ever said he would “like to get with her.” He also denied telling Perkinson that she could do better than Miller. Appellant stated he “never had any interest in Perkinson and didn’t even know her that well.” He denied that he had kissed her.

28. Hulker made audio recordings of his interviews, however, he noted that, for reasons unknown to him, the audio recordings of three of the witnesses were lost. Those witnesses were: Kim Campbell, Jessie Stack, and Phillip Campbell.

29. Hulker also prepared two Memos of Concern in both the Williams and Greivous's investigations, which were introduced into the record as Appellee's Exhibit 5 (Case # EEO-13-18) and Appellee's Exhibit 7 (Case # EEO-14-18).

30. In the Memo of Concern regarding EEO-14-18, Hulker noted "Captain Michael Williams received information from Correctional Officer Jacob Fulton regarding an incident that occurred at Perkinson's resident (sic)...Williams...did not make KSR management aware of the information Fulton reported to him. He also stated that he took no investigative steps in regard to this information." (Appellee's Exhibit 7.)

31. In the Memo of Concern regarding EEO-13-18, Hulker noted three concerns. The first was that Perkinson had been moved to Roederer Correctional Complex after she reported the misconduct of Grievous and Williams to Warden Valentine. The second concern was Greivous's failure to report Williams' behavior after Perkinson had disclosed it to Greivous. The third concern was the lack of documentation provided to him concerning Williams' explanation that he had been in Perkinson's office to discuss a missing computer. Hulker concluded, "Without documentation, this investigator was unable to verify Williams' statement." (Appellee's Exhibit 5.)

32. On cross-examination, Hulker stated that he was not aware of the actual charges in Williams' or Greivous's dismissal letters. Nor was he aware that Williams's dismissal letter had a charge of employment application falsification. Hulker stated that he only investigated the allegations made by Nora Perkinson.

33. Hulker was asked if Perkinson's initial statement to Warden Valentine that nothing had happened with Williams was a lie. Hulker stated that in his opinion, Perkinson did not make an "inconsistent statement." In his experience, victims do not always reveal information. "She was scared of retaliation," he stated.

34. As for the matter of the missing computer, Hulker was told by Williams that he had been in her office to look for a missing computer. However, "no documentation regarding that matter was ever provided to me," he stated. He testified that he had asked Warden Valentine for information regarding the computer, "but no one gave him anything."

35. Hulker agreed that Valentine told him the computer investigation was valid and done at her direction, but "it's unusual that there would be no paperwork...In my work, if it's not on paper, it doesn't exist."

36. Hulker was asked to cite the policy Williams allegedly violated for not informing management of the report filed by Officer Fulton. Hulker answered that he did not know the exact policy, but in his opinion, Williams "at the minimum had a duty to report it to the Warden."

37. Hulker agreed that he was not aware of any other substantiated claims of improper conduct on the part of Williams.

38. When asked if the allegation that Williams kissed Perkinson was a “he said/she said” situation, Hulker responded, “It often is in situations like this.” Hulker testified that, in his opinion, the kiss could be considered “sexual contact.”

39. In Hulker’s estimation, William’s comments that “she could do better” than Lt. Miller, and that he was interested in her was also evidence of sexual harassment. He could not cite the law or policy this behavior violated.

40. Hulker agreed that Lt. Grooms was also present when Officer Fulton gave Williams the written statement regarding the allegation that Perkinson had been sexually assaulted in her home by a KSR employee. Hulker was asked if Lt. Grooms also had a duty to report the statement. Hulker answered, “The report was made to Williams.”

41. **Kim Campbell** is an Administrative Secretary III at KSP. She learned of the allegation that Freda Shelton and Williams were romantically involved through another KSP employee, Tara Aldridge. However, Campbell did not mention Aldridge to Hulker when he interviewed her because Aldridge “didn’t want to get involved.”

42. **Philip Campbell** is a Deputy Warden of Programs and Operations at KSR. He stated that Hillary Rucker told him that she heard a rumor about two KSR employees “making out.” Campbell asked who the employees were. She answered that one of the employees was Michael Williams. She did not name the female involved. Campbell referred Rucker to Deputy Warden Jessie Stack. Campbell was Rucker’s second-line supervisor. Her immediate supervisor was Jodie Williams, Michael Williams’s wife.

43. Campbell was asked to review Hulker’s report of his statement for accuracy. He answered that the third paragraph was incorrect. The paragraph reads:

Rucker told him the staff members were Michael Williams and Lieutenant Jeromy Ball.

Campbell clarified that Rucker never mentioned Lt. Jeromy Ball to him, nor did he tell Hulker that she had.

44. **Jessie Stack** is a Deputy Warden at KSR. He was informed by Hillary Rucker that she had heard an allegation that Michael Williams may have engaged in misconduct. Stack informed Warden Valentine of this. Valentine asked Stack to get more specific information from Rucker. After speaking with Rucker, Stack informed Valentine that Rucker reported that there may have been inappropriate behavior between Williams and nursing staff.

45. Stack was interviewed by Jeff Hulker on November 28, 2018. Stack was asked to review Hulker’s report of his statement for accuracy, which he affirmed.

46. On cross-examination, Stack was asked if Rucker had told him anything regarding Fredia Shelton. He answered that Rucker told him “that there may be a relationship between Michael Williams and Fredia Shelton, that’s all.”

47. **Deandre Davis** is an Investigative Supervisor with IIB, Justice and Public Safety Cabinet. She was given Williams’ state-issued cell phone by Warden Valentine on February 12, 2019.

48. **Detective Regina Lunce** is a Police Master Trooper at Kentucky State Police (KSP), where she has worked for the past twenty years. As part of her job duties, she came into possession of Williams’ state-issued cell phone. She was given the phone by Jeff Hulker.

49. On cross-examination, Lunce was asked if she had done any investigative work regarding Perkinson’s allegations. She replied that the Kentucky State Police had opened a criminal investigation, which was still ongoing. As part of that investigation, she had interviewed several employees at KSR. [**Hearing Officer Note:** Appellant requested to review the investigative records. Appellee and counsel for KSP objected, but KSP offered to provide the Hearing Officer with a digital copy of the investigative interviews for the Hearing Officer’s *in camera* review. Pursuant to a Post Hearing Order, the Hearing Officer denied Appellant’s request pursuant to KRS 17.150, and also noted that she found nothing in the record that would materially assist Appellant in the defense of his dismissal.]

50. **Detective Gerald Wilson** is a Sergeant at KSP, where he has worked for the last twenty-nine years. On April 15, 2019, as part of his job duties, Wilson took the state-issued cell phone that had been assigned to Michael Williams and relinquished it to Detective Gabhart.

51. **Detective Carlos Gabhart** is currently employed in KSP’s Special Investigative Unit. He works out of the Secret Service Lab in Louisville, and specializes in digital forensics. As part of his job duties, Gabhart testified that he came into possession of Appellant’s state-issued cell phone on April 15, 2019. He was tasked with extracting information from the phone, which he did by using software to download it and turn it into a readable format.

52. Gabhart was advised of the allegations made against Appellant and was asked to flag certain emails and text messages which might be relevant. Through Gabhart’s testimony, a compilation of this flagged communication was entered into the record as Appellee’s Exhibit 9.

53. The extraction report documents four conversation threads. The first two are text message threads between Williams and two people identified only by their phone numbers. The third thread is to an email address identified as “Broughton, Heather M (KSP).” The fourth thread is a “chat” between two phone numbers, one ending in 3084. Each of the four threads evidences a consensual relationship between Williams and a female. Some of the messages are sexually explicit.

54. **Kathryn Reed** worked for the Attorney General’s office for twenty years, first in Medicaid Fraud, then Public Corruption, and for her last ten years there, in Cyber Crimes. She is

currently a Special Investigative Agent III in the Justice and Public Safety Cabinet IIB. She was present when Jeff Hulker interviewed Appellant. She was asked to refer to Hulker's Investigative Report identified as Case #EEO-14-18, which was the investigation into Perkinson's allegation of unwanted physical contact by John Grevious. (Appellee's Exhibit 6.)

55. According to the report, Appellant told her and Hulker that he did not "line up" the report he received from Officer Fulton to KSR management. Nor did Appellant conduct an investigation into the allegations reported by Fulton. Appellant stated that he did advise Fulton to tell Perkinson to contact outside law enforcement. Reed confirmed that Hulker's documentation of Appellant's interview was accurate.

56. On cross-examination, Reed was asked if Williams had jurisdiction to investigate allegations of misconduct that occurred off-site. She responded that per Kentucky Corrections Procedures and Policy (CPP) 3.23, "All staff, volunteers and contractors shall report violations of policy, procedures, and law." (Appellee's Exhibit 14.)

57. **Brad Holajter** is currently employed by the Department for Public Advocacy. From 2017 until June 2020, he was the Executive Director of the Office of Management and Administrative Services, Justice and Public Safety Cabinet. One of his job duties in that capacity was oversight of human resource matters.

58. Holajter stated that a civil lawsuit had been previously filed against Little Sandy Correctional Complex, which involved charges of sexual harassment on the part of DOC employees. One result of this lawsuit was an increased focus on sexual harassment issues throughout the Department of Corrections.

59. In late 2018 and early 2019, Holajter reviewed the investigation Jeff Hulker undertook into the allegations Nora Perkinson made against John Grevious and Appellant. Holajter was asked if he thought the dismissal of Grevious and Appellant was appropriate. He responded that Appellant had acknowledged in prior interviews that he was aware of inappropriate conduct between Grevious and Perkinson. But Appellant felt that if the behavior was unwanted, Perkinson should have gone to the state police. In Holajter's opinion, Appellant's failure to report this issue was a violation of CPP 3.23.

60. On cross-examination, Holjater confirmed that Warden Valentine initially responded to Hulker's Memo of Concern regarding Appellant and disagreed with it.

61. Holjater stated that he was not sure who determined that Grevious and Appellant should be separated from their employment, but he did know that "Anna Valentine made the final decision by signing the letters." He stated that he did not know if she was instructed by upper management to do so or not.

62. Holajter stated that he had never seen the termination letters. He was also not aware of an allegation against Appellant regarding the falsification of his job application. He acknowledged that Hulker did not address that issue in his investigative report.

63. Holajter was asked if, when determining the level of discipline to be taken against an employee, it is appropriate for management to consider other complaints made against the employee if they are unsubstantiated. Holjater stated that he did think it was appropriate. "We believe Williams [Appellant] had a pattern of prior behavior." He also stated that there was a "lack of trust in prior investigations."

64. **Anna Valentine** is the Warden of Kentucky State Reformatory, a position she has held since July 2018. Prior to that, she was Deputy Warden from 2014 to 2018. Valentine has been employed at KSR since 2003.

65. Warden Valentine was asked to describe Michael William's job title and duties. She stated that he was a Captain, specifically assigned to Internal Affairs. It was his job to investigate any allegations of misconduct made by staff or inmates. Valentine described the Internal Affairs department as "our internal police; they keep us safe."

66. Valentine was also acquainted with Nora Perkinson, who is an employee of the Wellpath Eye Clinic, and works at KSR.

67. After learning of the allegations Perkinson had made, she called Perkinson into her office to discuss them. Though Perkinson initially denied that anything untoward had happened, she ultimately provided Valentine with a written statement. (Appellee's Exhibit 1.)

68. Valentine was asked if Perkinson's allegation that Williams had inflicted on her an unwanted, open-mouth kiss was in violation of the Cabinet's sexual harassment policy. Valentine answered in the affirmative and agreed that an unwanted kiss would be considered "sexual contact" which is prohibited by CPP 3.5 (Appellee's Exhibit 12).

69. Valentine was asked to address the written comments she made to Jeff Hulker's Memo of Concern, EEO-13-18. She stated that after she spoke to Deputy Commissioner White about her concerns, she realized that she had been wrong in her assessment. She further noted that when deliberating on the proper course of action to take in this case, she took into account the EEO guidelines regarding "Credibility Determinations." The factors the U.S. EEO Commission recommends the employer consider when weighing a victim's credibility are inherent plausibility; demeanor, motive to falsify; corroboration, such as witness testimony or physical evidence; and the past record of the alleged harasser. (Appellee's Exhibit 15.)

70. Valentine determined Perkinson's statements and reports to be credible under the guidelines. Valentine noted that Perkinson had no motivation to lie, and she had also told friends about the kiss shortly after it happened. Furthermore, Valentine stated, Appellant had a "past record." Specifically, an IA investigation had been undertaken regarding a complaint made against him by another staff member, Kelly Mike, in 2017.

71. Mike alleged that Appellant had asked her to take off her bra to show him a tattoo she had on her chest. She also reported that Appellant had said to her "One day I am going to tear you up." Appellant told IA investigators that Mike had wanted to show him the tattoo. According

to the report prepared by IA Investigators Collett, Hines, and Harris, the allegation regarding the tattoo was found to be “unsubstantiated.” (Appellee’s Exhibit 19.) [**Hearing Officer Note:** The investigative report does not mention in its findings Mike’s allegation that Appellant had told her he was going to “tear her up.”]

72. As for Williams’ failure to report Officer Fulton’s note regarding the assault of Perkinson in her home by another staff member, Valentine found that to be a violation of CPP 3.5, II., C(3), which instructs supervisors to forward such complaints to the Warden, a District Supervisor, or a Division Director. (Appellee’s Exhibit 12.)

73. Valentine retrieved Michael Williams’ state-issued cell phone from him upon his dismissal. When she took it from him, he stated, “Guard this with your life.”

74. Valentine testified that while she did discuss Appellant’s situation with upper management, deciding the appropriate level of discipline was ultimately her decision. Valentine stated that dismissing him “was a hard decision. I have been good personal friends with his wife, Jodie. It was extremely difficult, but it was the right thing to do.”

75. On cross-examination, Valentine testified that she did believe Perkinson had been telling the truth about Appellant’s unwanted kiss. She also affirmed that Perkinson had been moved to Roederer Correctional Complex from KSR for approximately three months after Valentine learned of the Perkinson’s allegations. The move had been done at Valentine’s recommendation. Valentine stated that moving Perkinson had not been done to punish her, “but to protect her.”

76. Valentine affirmed that Kelly Mike no longer worked at KSR, and had transferred to KCIW, but she did not know the “circumstances” surrounding the move. [**Hearing Officer Note:** The investigation into Mike’s complaint against Appellant occurred in July 2017 when Valentine was Deputy Warden.]

77. Valentine was asked about the allegation in Appellant’s dismissal letter that he had falsified his job application, specifically, that he had represented that he left his employment as Deputy Sheriff in Jefferson County for “health reasons” when, in fact, he resigned his position “pending charges prior to disposition of the case per Jefferson County Sheriff’s Office.” She responded that she had since learned that Appellant did not have a legal obligation to disclose these charges. When asked if she was willing to “abandon” that charge in the dismissal letter, she responded “Yes.”

78. Valentine was asked who else was present when Fulton gave Appellant the note regarding Perkinson’s statement she had been sexually assaulted in her home. Valentine responded that Lt. Grooms had also been present with Appellant. Valentine agreed that Grooms, too, had a duty to report the statement, although he did not. While Valentine affirmed that Grooms had not been disciplined for this, she added, “But he is no longer an employee.” When asked when he resigned, Valentine answered, “I can’t recall. I think some time in 2020.”

79. Valentine was asked if the decision not to discipline Grooms showed “disparate treatment” of two Internal Affairs staff members. Valentine answered, “We were not aware of Grooms’ presence [when Fulton delivered the note] until the unemployment hearing in June or July 2019.”

80. Valentine acknowledged that another DOC employee who had been accused of sexual harassment was not dismissed. Specifically, she recalled that Rick Berry admitted that he had hugged a female employee, tried to kiss her, and touched her chest. He was suspended for thirty days, which the Personnel Board amended to fifteen days. Valentine stated that a prior Warden’s failure to take sexual harassment seriously did not have impact on her decision-making.

81. Valentine was asked about other DOC employees who were accused of sexual harassment, but were not dismissed, specifically the cases of Alicia Boyd, Kevin Hayes, Michael Robinson, and Brian Ward. She stated that she had heard of these employees, but did not know the facts of their individual cases. The demotion letters of Kevin Hayes, Brian Ward, and Michael Robinson were entered into the record as Appellant’s Exhibit 3.

82. On redirect, Valentine was asked to describe Perkinson’s demeanor when they discussed what had happened to her. Valentine testified that Perkinson had been visibly upset, “was hunched over in her chair and crying.”

83. It was agreed by the parties that the Cabinet’s last witness, Sonja Tapia, would be called later, out of order, due to a scheduling conflict

84. Appellant called his first witness. **John Grevious** was employed as a Unit Administrator at KSR until his dismissal on March 21, 2019. He has known Appellant for 15 years, and Anna Valentine for ten. He described his relationship with Warden Valentine as a close one “We got along. I felt she was a mentor to me.”

85. Grevious met Nora Perkinson at KRS sometime in early 2016. Sonja Tapia had told Grevious that Perkinson thought he was attractive. Perkinson introduced herself to him, and they became friends. When asked if Perkinson was flirtatious, Grevious responded, “She is direct about what she wants.” At the time they met, Perkinson was dating an “abusive” man, and Grevious was having issues with his girlfriend. “We talked about dating,” Grevious stated, “but never crossed over to that threshold.” Perkinson lived very close to Grevious’s home, and when she had car trouble, he would offer her a ride. He estimated that he provided her transportation ten or fifteen times.

86. Grevious denied that he and Perkinson ever had sex at KSR, claiming that he was too busy running the Segregation Unit.

87. Grevious visited Perkinson at her home on two different occasions. The first time was the beginning of the summer and they sat on her porch and talked. The second time was in July 2018. Grevious and Perkinson and Sonja Tapia had been talking about going to a restaurant together, but that fell through. Instead, Perkinson texted him and asked him to come over. He

went home from work, changed and fed his dog, and then went to Perkinson's home. They sat on the front porch at first, but then Perkinson said "It's hot, let's go inside." Grevious testified that the two of them were sitting on her couch, then she jumped on his lap and started kissing him. They had sex. According to Grevious, Perkinson was "more aggressive" than he was, "She was out of her clothes before me. It was consensual sex between two adults."

88. Some weeks after the incident, Grevious went to the perfume store Perkinson worked at as a second job. It was in October 2018, just before Halloween. Grevious wanted to buy some cologne for his sons, and Perkinson said she would give him a discount. "She grabbed me by the arm, and introduced me to her coworkers, and told them 'If he acts right and leaves his girlfriend, we could be a power couple.'"

89. Grevious's first interview with Jeff Hulker was held on November 5, 2019. Hulker asked him if Perkinson had flirted with people "higher up" than him. Grevious mentioned a number of names, including Appellant's. Grevious told Hulker that Perkinson "is crazy for muscle cars, and Williams has one. [Perkinson] said she felt uncomfortable around Williams because of his title."

90. Grevious stated that Hulker told him, "I know about you and Perkinson, I know it was consensual." Instead, he wanted to discuss Appellant more. Grevious asked him what he wanted to know. Hulker answered, "The kiss." Grevious responded that he "didn't know anything about a kiss." According to Grevious, if Perkinson had told him she was upset about the Appellant, he would have said something to him.

91. Grevious was interviewed a second time, this time in the office of the Justice and Public Safety Cabinet in Frankfort. He told Hulker his answers would be the same as the first time he was interviewed. Hulker responded that "the higher ups" wanted to know more about the time he had sex with Perkinson. Grevious stated, "It was never rough. If she had told me no, I would've stopped."

92. Grevious was asked to refer to Hulker's Memo of Concern for EEO-13-18. He stated that Concern #2 was "a total lie." According to Grevious, he never told Hulker that Perkinson "had confirmed to him information concerning Appellant's behavior." (Appellee's Exhibit 5.) [**Hearing Officer Note:** According to Hulker's two recorded interviews with Grevious, Grevious never did, in fact, confirm that Perkinson had told him of Appellant's kiss. However, his statements in the November 5, 2018 interview indicate that Grevious was at least aware of Appellant's interest in Perkinson. Referring to Appellant, Grevious stated, "So my thing is -she said that it was kind of -it-way-way she described it to me she was taken aback by it, but kind of surprised her that he would actually have interest in her....I can't remember exactly what she said happened. I think they had a conversation, and he was telling her about -gosh damn-that she was too good for Miller....when I talked to her, she pretty much said that she was kind of shocked, taken aback by it, you know, and I - and, you know, he's got a wife, you know. And I said, you know, okay. You know, all you can do. If you don't want to do nothing, just say no." (Appellant's Exhibit 4.)]

93. On cross-examination, Grevious was asked again about statements Perkinson made to him about Appellant. Grevious stated, "I can't remember what she told me. I do remember he shut the door, and he talked about Steven Miller. After that, I cannot remember."

94. Grevious did not learn of the allegation Perkinson made about him until his second interview with Hulker on December 14, 2018. Between their encounter at her home in July 2018 and that interview five months later, Grevious described his relationship with Perkinson as "Fine. We were still talking and celebrating birthdays. She even came over to our work area for potlucks."

95. **James Erwin** was Commissioner of the Department of Corrections during the time Jeff Hulker conducted his investigation into the allegations made by Nora Perkinson. As Commissioner, Erwin reviewed Hulker's investigative report, and outlined all the deficiencies he felt it contained. Specifically, Erwin felt there had been a failure to follow up on certain testimony. He also noted that a policy attached to the report had been implemented after the date of the allegations, and that several witness statements were, in his estimation, "sparse."

96. Erwin discussed the report with Deputy Commissioner White. White reported that he found some discrepancies in the witness statements and felt that Hulker had improperly asked leading questions. In his opinion, White believed that Hulker had only used information that substantiated his case, and omitted information that did not support his case.

97. Erwin felt the biggest problem was the Cabinet's reliance on Hulker's Memos of Concern. For example, Erwin noted, in Memo EEO-13-18, Hulker stated that he was unable to verify William's statement that he had gone to Perkinson's office to discuss a missing computer. The memo states: "The investigator was advised by Warden Valentine that no documentation existed regarding the missing computer investigation." But Erwin was aware that Warden Valentine had verified to Hulker that a computer had indeed been unaccounted for.

98. Erwin stated that both Andrew English and Brad Holajter had told him that Hulker had considered the past behaviors of both Grevious and Appellant when he drafted his Memos of Concern. These "past behaviors" included certain allegations against each of them that had been investigated by the IIB in the past but were not substantiated.

99. Erwin was asked if he was referring specifically to an allegation against Appellant made by Kelly Mike. Erwin answered in the affirmative, adding, "Williams had been cleared in that case and no disciplinary action was taken, so that should not have been considered."

100. On January 28, 2019, Erwin met with Justice and Public Safety Cabinet Secretary John Tilley and Deputy Secretary Jon Grate. Erwin was informed at this meeting that Grevious and Appellant should be dismissed. Erwin testified that Secretary Tilley told him "I want you to dismiss the employees, and if we lose [their appeal], we will blame it on a weak Personnel Board."

101. Another matter that gave Erwin concern was the fact that every member of the investigative team was white. Both Grevious and Appellant are African American. Erwin added,

“I was told to take some pretty aggressive disciplinary action. I was afraid that we would open ourselves up to a discrimination action.”

102. Erwin stated that he was not looking for a reason to exonerate either Grevious or Appellant, nor was he trying to stop them from receiving discipline. “I just wanted a clean investigation.”

103. Erwin was asked to look at Appellant’s termination letter. (Appellee’s Exhibit 17.) Erwin testified that he had not been aware of the allegation that Appellant had falsified his employment application in 2011. “That wasn’t in my disciplinary records,” he stated.

104. As for Perkinson’s allegation that Appellant kissed her, and that she was “shocked” that he had kissed her, Erwin stated that he did not question Perkinson’s credibility about the matter. What he did take issue with was Hulker’s failure to “narrow the specifics of the allegation.”

105. Erwin also took issue with the allegation in Appellant’s dismissal letter that his failure to report Officer Fulton’s note was a violation of CPP 3.23. According to Erwin, Appellant was not obligated to investigate off-site activity because Internal Affairs is tasked with investigating only inmates or offenders under the supervision of DOC. Investigating the conduct of two employees off the premises of the facility is not within the scope of their authority, Erwin stated.

106. On cross-examination, Erwin affirmed he had never met Nora Perkinson, nor had he ever discussed with her the allegations she made against Appellant.

107. Erwin stated that he had filed a Whistleblower lawsuit in which he alleges that he was terminated from the Cabinet for “not firing Grevious and Williams.”

108. Erwin was asked to review CPP 3.23, II., G, which reads, in relevant part:

1. All staff, volunteers and contractors shall report violations of policy, procedures, and law. Failure to report such violations shall result in disciplinary action for staff and restrictions from department grounds for volunteers and contractors. Criminal prosecution may result in some cases.
2. Reportable violations shall include those events occurring on or off duty.

Erwin affirmed that this policy is applicable to the Internal Affairs Department, and specifically to Appellant, who was the Captain of IA.

109. On redirect examination, Erwin stated he was involved in the drafting of CPP 3.23, and it was created to encourage the self-reporting by a DOC employee of a criminal charge outside the work setting, such as a DUI.

110. Erwin was asked if he was aware of any other DOC employees who had also been accused of sexual harassment but had not been terminated. Erwin recalled that the following employees fell into that category: Deputy Warden Alicia Bloyd; Rick Berry; Deputy Warden Michael Robinson; and Kevin Hayes.

111. Erwin stated that one of his concerns about dismissing Appellant and Grievous was the Cabinet's disparate treatment of them. "Dismissal was unprecedented, based on the facts." Erwin added, "I was afraid we would be opening ourselves up to a discrimination action."

112. Erwin affirmed that none of the employees he named worked at KSR. However, in Erwin's opinion, DOC "should treat employees in an equitable fashion across all institutions."

113. **Appellant, Michael Williams**, testified on his own behalf. He began working for the DOC in November 2011 as an Internal Affairs Lieutenant at KSR. He was promoted to Captain, a position he held until his dismissal on March 22, 2019. His duties as IA Captain were to investigate any policy or procedure violations made by staff, inmates, or volunteers.

114. Appellant was first asked to address the allegation that he kissed Nora Perkinson in her office. He stated that this allegation initially stemmed from the search for a computer that had been reported missing. A computer had reportedly been taken out of the eye clinic where Perkinson worked, and possibly stored in the Segregation Unit, which had been closed down. Warden Valentine notified Appellant of this matter and asked him to look into it. He and other staff members searched for the computer for a couple of hours. Appellant was later told that the computer had been found in Perkinson's office. He had some questions about this and went to Perkinson's office to discuss it with her. There were several inmates sitting on a bench in front of her office. Appellant asked Perkinson to show him where the computer had been found. He shut the door to her office because he did not want the inmates to hear their conversation.

115. Appellant later discussed the matter with Warden Valentine and they decided that the computer had not been stolen. Appellant denied that he had ever kissed Perkinson. "I did not touch her," he testified. According to Appellant, Perkinson's office had several windows and "anyone in the area has a direct view into her office."

116. Appellant was asked if he ever made comments about Perkinson's boyfriend, Lt. Miller. Appellant responded that once he was in a conversation with Michael Jordan, Health Service Administrator, and Perkinson's boss. Perkinson was also there. Jordan told Appellant there was something they wanted to run by him. Perkinson informed him that she was having problems with an ex-boyfriend who was trying to get her fired by spreading lies about her. Appellant told her that if the boyfriend tried to call the institution, Appellant would get the call forwarded to him. He also told her that she may have to go to outside law enforcement and get a restraining order against him. After she left Jordan's office, Jordan made disparaging remarks to

Appellant about Perkinson. "Nora is f*cked up. She needs medication. She is always saying someone did something to her."

117. Appellant testified that, when he was at work at KSR, he made continuous rounds. "I talked to a lot of people," he said. "I talked to multiple staff all day long. I stopped and made small talk." He occasionally spoke to Perkinson. "We shared an interest in "muscle cars," he said, and they had had a couple of discussions about them.

118. Appellant denied that he had ever made comments about her body. He stated that Perkinson only came to his office one time, the day she retrieved the computer.

119. Appellant next addressed the note Fulton gave him regarding an incident at Perkinson's home. Appellant stated that Fulton was an Officer at the time, and he told Williams he had something to report to him.

120. In Appellant's estimation, the note was vague. Saying someone "pushed himself" on a woman can be "interpreted many ways." He discussed the matter with Lt. Grooms, then told Fulton that if something had occurred at her home, Perkinson should contact outside law enforcement. Appellant put the note in Fulton's folder.

121. Appellant was asked to review Internal Affairs Investigation Policy, CPP 3.23, Section II., G. He stated that this section, entitled "Reporting of Violations, Policy, Procedure or Law," is a "Self-reporting mechanism for a violation of policy, such as getting a DUI, or writing a bad check. It is incumbent upon the employee to report it to IA." Appellant added that he did not conduct his own investigations; he only did so at the direction of the Warden.

122. Appellant was asked to recall an incident that was the subject of prior discipline in 2015. He explained that he had participated in an investigation regarding an allegation by a paroled inmate that a Correctional Officer was stalking him and threatening to put him back in jail. The Officer ended up admitting her involvement with the paroled inmate and was charged criminally. During the course of this investigation, Appellant came into possession of compromising photographs the female Correctional Officer had taken of herself and sent to the inmate. Appellant shared a portion of this case file with a training class, which included the photographs. Someone present had been offended by them and sent an anonymous letter to Frankfort. Appellant was sent a letter of counseling and told not share information from closed IA cases.

123. Appellant was asked if he was aware of other DOC employees who had been charged with sexual harassment but were not dismissed. He responded that Kevin Hayes, Bryan Ward, Michael Robinson, and Alicia Boyd had all been demoted. He also recalled the case of Rick Berry, who had been employed at KSR. Appellant did the investigation. The allegation was that Berry had kissed and groped a female Correctional Officer at KSR. Berry admitted to the misconduct. Appellant did not know what discipline he received, noting that it happened six or seven years ago. However, Appellant did know that Berry had received a promotion approximately six months ago, but had omitted mention of the discipline he received for the

sexual harassment infraction on the promotional paperwork, and had been terminated for failing to report it.

124. On cross-examination, Appellant affirmed that he wrote a memorandum to Warden Aaron Smith on May 7, 2015, explaining his actions regarding the sharing of a closed IA file with a training unit of the Reformatory. (Appellee Exhibit 21.) In response to the memorandum, Warden Smith met with Appellant to discuss procedures surrounding the release of “sensitive Internal Affairs case file information to non-Internal Affairs staff members.” In the meeting, Appellant also agreed to complete EEO training. Warden Smith documented this meeting in a memorandum whose subject line is “Supervisory Counseling Session.” (Appellee’s Exhibit 22.)

125. Referring to Fulton’s note, Appellant stated that he did not interpret “pushed himself on her” to mean force. In his opinion, that phrase could be mere “touching” or being “persistent on dating.” Appellant acknowledged that he did not report Fulton’s note.

126. Appellant testified that he had previously stated that he had investigated off-site activity before, but he had not investigated conduct between two staff members, only conduct between staff members and inmates. Williams was then asked to address a portion of his testimony from his Unemployment Hearing on July 2, 2019:

Q: Okay, in your job as the person in charge of Internal Affairs, if you had heard of an incident of sexual assault, even outside the prison between coworkers there at the prison, do you feel it would have a responsibility of yours to report that?

A: The information that I received from Officer Fulton was not specific, no name, no date. It happened off grounds. I don’t have the authority to investigate any type of criminal activity that happened off grounds. I do not have that authority. As I explained to Mr. Hulker, that information was –was—was not anything that I could have – have investigated based on that information.

Q: Okay. So if you had been given names and dates and times and all that, say, a sexual assault had occurred – that was the allegation, even if it wasn’t on the property, if it was between two of the officers there, would that be something you would report?

A: Yes, ma’am. If I had more details, yes. And if someone named a specific crime, yes.
(Appellant’s Exhibit 17.)

127. Appellant responded that his previous statement that he did not have the authority to investigate allegations of conduct off-site was in response to Fulton’s note. He affirmed that he

“could possibly get involved in an allegation of misconduct between two employees, but “it would depend on the circumstances.”

128. Appellant was asked to refer to a Memorandum he wrote to then-Warden Aaron Smith, dated May 7, 2015. In the memo, Appellant apprised Smith of a situation where an employee, Sgt. Graham, had to retrieve personal items from the home he had shared with another employee, Officer Hillary Rucker. Graham and Rucker had since broken up. With Officer Rucker’s permission, Appellant and Sgt. Grooms accompanied Graham to the residence to ensure that “nothing was broken or taken from the residence.” After doing so, Appellant advised Officer Rucker that “if there was a need for Sgt. Graham to return to the residence, she should be present but that Sgt. Graham was still legally on the lease and she could not deny him access to the residence.” (Appellee’s Exhibit 23.)

129. Appellant explained that his involvement in this situation with two coworkers had been done at the direction of Captain Mazza, and that it was done so that Graham “could retrieve his mail and uniforms to keep peace between two staff members so they could continue to work together.” He added, “This was not an investigation.”

130. Appellee, Justice and Public Safety Cabinet, called its last witness, **Sonja Tapia**, out of order due to a scheduling conflict. Tapia is employed at KSR as an Outpatient Services Administrative Assistant. Her job duties include scheduling psychiatric services and clinics for inmates. She is acquainted through her employment with both Nora Perkinson and Appellant.

131. Tapia was asked if she knew that Appellant kissed Perkinson. She answered that she did, because Perkinson told her. She testified that Perkinson informed her of that in May 2018 during “Corrections Week.” Perkinson told her that Williams had come into her office, shut the door and “run his tongue down her throat.”

132. Tapia told Marlene Powell, another coworker at KSR, what Perkinson had told her. She testified that she told Powell about the incident because Powell had won a weekend get-away during “Corrections Week,” and she had planned on going to a state park with Tapia and Perkinson. Tapia told Powell it would be better if only she and Perkinson went because Perkinson was “not taking my advice on some things.” She wanted Powell to talk to Perkinson “about the situation she was in.”

133. Warden Valentine later called Tapia into her office and asked if she knew anything about inappropriate behavior between Perkinson and Appellant. Tapia told Valentine that she “didn’t know anything.” Then Valentine asked her if she had told Powell about an incident. Tapia knew then that Valentine was aware of what Tapia had told Powell, so she admitted what she had heard from Perkinson.

134. Tapia was asked if Williams had made comments about Perkinson. She answered that he would say “Mmmmm,” or “She’s wearing them jeans.” Tapia described the behavior as “very lecherous, very lewd.”

135. On cross-examination, Tapia was asked if Perkinson had mentioned another incident that had happened to her. Tapia answered in the affirmative, stating that one day Perkinson had come into her office and closed the door. Perkinson said, "I have something to tell you, but I don't want you to overreact. I need to tell you this but I don't know how to handle it. Stay calm." Tapia said that during this conversation, Perkinson's hands were trembling, she was pacing back and forth, and then was "bawling." She told Tapia that Grevious had sexually assaulted her. Describing the incident, Perkinson told Tapia that Grevious had "ripped her pants off and tore her underwear."

136. Tapia affirmed that Perkinson had told her she broke off her relationship with Grevious because of his girlfriend. "She said she wasn't having anything else to do with him because he had a live-in girlfriend," Tapia stated.

FINDINGS OF FACT

1. At all times germane to this proceeding, Appellant, Michael Williams, was a classified employee with status in the Justice and Public Safety Cabinet, Department of Corrections (DOC), serving as an Internal Affairs Captain at Kentucky State Reformatory (KSR). He began his employment with the Cabinet on November 1, 2011, as an Internal Affairs Lieutenant, and has been stationed at KSR throughout his tenure with DOC.

2. Appellant was informed of his dismissal by letter under the signature of Warden Anna Valentine on March 21, 2019. Appellant timely filed this appeal on March 25, 2019.

3. As Internal Affairs Captain, Appellant was responsible for investigating any allegations of policy or procedure violations made by KSR staff, inmates, or volunteers.

4. Through his employment at KSR, Appellant became acquainted with Nora Perkinson, a Wellpath contract employee, who acted as Eye Clinic Coordinator.

5. Perkinson testified that she noticed Appellant "had been watching her," and made comments about her physical appearance, telling her she had a "nice body" and that she "looked real good." He also told her that he "wanted to get with her." (Testimony of Nora Perkinson; Appellee's Exhibit 1; Appellant's Exhibit 1.)

6. Sometime in late June or early July 2018, Appellant walked into Perkinson's office and shut the door. Perkinson stated that Appellant asked about someone she was dating, then later "wrapped his arm around [her] waist and stuck his tongue in [her] mouth." She described the kiss as "open mouth," and stated that she did not consent to it. (Testimony of Nora Perkinson.)

7. Perkinson stated that she did not report Appellant's behavior to management because she was afraid of retaliation. (Testimony of Nora Perkinson.) In a written statement, Perkinson noted that she knew Appellant had a "reputation for finding reasons to walk out female employees who didn't comply with his advances." (Appellant's Exhibit 1.)

8. During this same timeframe, the summer of 2018, Perkinson was visited at her home two different times by another coworker named John Grevious, who was employed at KSR as a Unit Administrator. He was also a designated EEO Officer at the facility. On his first visit, Perkinson told Grevious about Williams' conduct, specifically that he had kissed her. Perkinson testified that Grevious asked her if she was "going to f*** Williams." (Testimony of Nora Perkinson.)

9. The second time Grevious came to Perkinson's home, she testified that he had acted aggressively and had forced himself on her sexually. She confided to another coworker, Officer Jacob Fulton, about what had happened. Fulton wrote a note reporting the incident and submitted it the next day, July 23, 2018, to Appellant. The note stated that "someone from work" had been at Perkinson's home and had "pushed himself on her" even though she had said "no" many times, but "she finally let it play out." (Appellee's Exhibit 2.)

10. Fulton testified that Appellant had briefly conferred with Lt. Grooms and then told Fulton to tell Perkinson to report the assault to law enforcement as it had happened "off site." (Testimony of Jacob Fulton.)

11. Jessie Stack, a Deputy Warden at KSR, was informed by a DOC employee, Hilary Rucker, that Appellant may have been involved in misconduct with nursing staff. Stack brought the allegation to Warden Anna Valentine. (Testimony of Jessie Stack; Appellee's Exhibit 3.)

12. Valentine spoke to a number of KSR employees on October 31, 2018, and an investigation into the matter was conducted by Jeff Hulker, a Special Investigative Agent III with the Justice and Public Safety Cabinet. His investigation consisted of reviewing documents, interviewing the victim, potential witnesses, and the alleged perpetrators." Hulker looked into the allegations made by Perkinson against both John Grevious and the Appellant.

13. After conducting his investigation, Hulker wrote two "Memos of Concern."

14. In the memorandum identified as Case #EEO-13-18, Hulker listed three concerns: (1) Perkinson was moved from her office at KSR to an office located at Roederer Correctional Complex, which made Perkinson feel that "she had done something wrong." (2) Perkinson revealed to Grevious information concerning Appellant's behavior just days after it happened. As EEO Coordinator, Grevious had a duty to report this misconduct. (3) Appellant's statement to Hulker that he had been in Perkinson's office looking for a lost computer was not corroborated by any documentation. Hulker "was advised by Warden Valetine that no documentation existed regarding the missing computer investigation." (Appellee's Exhibit 5.)

15. In the memorandum identified as Case # EEO-14-18, Hulker states that Appellant did not make KSR management aware of the report Fulton had made regarding the incident that occurred at Perkinson's home. Appellant also "took no investigative steps in regard to this information." (Appellee's Exhibit 7.)

16. Both John Grevious and Appellant were terminated from their employment on March 22, 2019.

17. Perkinson stated that, a day or two after Appellant kissed her, she confided in her friend and coworker, Sonja Tapia, about Appellant's conduct. Tapia testified that Perkinson described to her Appellant's unwanted physical contact as "running his tongue down her throat." Tapia had also heard Appellant say things like "Mmmmm" and "She's wearing them jeans" to Perkinson. Tapia described Appellant's attitude toward Perkinson as "lecherous and lewd." (Testimony of Sonja Tapia.)

18. Marlene Powell further corroborated Perkinson's testimony that she told Tapia of the kiss by confirming that Tapia had relayed to her Perkinson's story. Powell also told Hulker that when Tapia told her this, Tapia "was upset about this because she was concerned about Perkinson being exposed to this type of activity." (Appellee Exhibit 3.)

19. As for John Grevious, his recounting of what exactly Perkinson told him about the kiss is conflicting. He testified at the evidentiary hearing that he recalled Perkinson telling him Appellant had come into her office and shut the door, and talked to her about Stephen Miller, but claimed he couldn't remember anything else about that conversation. In his interview with Jeff Hulker, however, Grevious stated, "I can't say it because I can't remember it, and that's the truth... When I talked to her, she pretty much said that she was kind of shocked, taken aback by it, you know, and I—and, you know, he's got a wife you know...(Appellee's Exhibit 4.) While Grevious refused to acknowledge that Perkinson had told him Appellant kissed her, his reporting to Hulker that Perkinson was "shocked" and "taken aback" had to refer to some action on Appellant's part. It should also be noted that Grevious' statement to Hulker that he had told Perkinson, "You have Captains chasing you too" is further evidence that Grevious had knowledge that Appellant was pursuing her in some manner. (Appellee Exhibit 3.)

20. The Department of Corrections policy regarding Sexual Harassment and Anti-Harassment is governed by CPP 3.5. Under this policy, prohibited behavior includes: "Lewd or sexual comments about an individual's body or attire; sexual innuendo; sexual contact." [CPP 3.5, II., A (1-4).] "Sexual contact" is defined as: "all forms of sexual contact, intentional touching, or physical contact of a sexual manner...or any unwanted touching with the intent to arouse, humiliate, harass, degrade, or gratify the sexual desire of any person." (Appellee's Exhibit 12.)

21. The Department of Corrections policy regarding Internal Affairs Officers is governed by CPP 3.23. It directs in relevant part that:

1. All staff, volunteers and contractors shall report violations of policy, procedures, and law. Failure to report such violations shall result in disciplinary action for staff and restriction from department grounds for volunteers and contractors. Criminal prosecution may result in some cases.

2. Reportable violations shall include those events occurring in or off duty.
[CPP 3.23, II, G (1 and 2).]

22. Appellant argues in his Closing Statement that the testimony of Perkinson and Tapia at the evidentiary hearing conflicts with some of the statements they made at Appellant's unemployment hearing and to Investigator Jeff Hulker. In particular, Appellant points out that there is conflicting evidence as to exactly when the kiss occurred. For instance, Tapia testified at the evidentiary hearing that Perkinson told her about the incident during "Corrections Week," which typically occurs in May. During her interview with Jeff Hulker, however, Tapia stated that she could not recall the exact date of the incident, but estimated Perkinson spoke with her about the kiss in July or August. However, the fact remains that Perkinson was unwavering in her statements that the kiss happened and that she told Tapia of it shortly thereafter. Likewise, Tapia also consistently stated Perkinson told her of the kiss, even if the exact date of that revelation was not established.

23. The Hearing Officer finds that the preponderance of the evidence established that Appellant acted improperly toward Perkinson. While Appellant denied any wrongdoing, his testimony does not stand against the evidentiary balancing test when measured with the testimony of Perkinson and that of her coworker, Sonja Tapia. The Hearing Officer found both witnesses to be credible.

24. James Erwin testified that other DOC employees had been charged with sexual harassment, but were demoted instead of dismissed. The disciplinary letters of three DOC employees were entered into the record as Appellant's Exhibit 3. They can be summarized as follows:

Brian Ward was a Corrections Unit Administrator II at Roederer Correctional Complex. He was charged with telling a coworker that her "little ass would fit in this garbage can." He later went into her office and rubbed her back. Ward was informed of his demotion to Classification and Treatment Officer by letter dated August 13, 2019, under the signature of Warden Vanessa Kennedy.

Kevin Hayes was a Deputy Warden at Kentucky Correctional Institute for Women. He was charged with treating an intern at the facility inappropriately. He texted something the intern characterized as "perverted." He also told her he was having "dirty thoughts" about her and messaged her that he had been "Facebook stalking" her. Hayes was informed of his demotion to Unit Administrator II by letter dated April 8, 2019, under the signature of Warden Vanessa Kennedy.

Michael Robinson was a Deputy Warden at Green River Correctional Complex (GRCC). He was charged with providing false information during the course of an investigation. Specifically, he failed to report that he had

heard a staff member call another staff member by a feminine name. He was demoted to Corrections Unit Administrator II on May 6, 2019. The Warden of GRCC at that time was Kevin R. Mazza. [Hearing Officer Note: the signature page of this demotion letter is apparently missing from Appellant's Exhibit 3. However, the exhibit was introduced into the record without objection by Appellee Justice and Public Safety Cabinet.]

28. The Hearing Officer finds that the above disciplinary cases are distinguishable from Appellant's. First, neither Robinson nor Hayes were charged with physical touching. Secondly, while Ward allegedly rubbed a coworker's back, the Hearing Officer finds that conduct not as physically invasive as a "forceful kiss." But the dispositive difference between the charges found in the above demotions and Appellant's dismissal is the fact that none of the employees in the demotion actions were the Internal Affairs Captain of their respective institutions. Appellant was charged with "always being aware of misconduct in the institution, trying to find it, and then investigating it." (Testimony of Warden Valentine, Unemployment Hearing of Michael Williams, June 6, 2019.) The potential danger to an institution that arises when the person tasked with policing misconduct perpetrates misconduct himself cannot be overstated.

29. James Erwin and Appellant referenced at the evidentiary hearing another disciplinary case, that of Correctional Officer Rick Berry. Erwin stated that Berry had admitted to misconduct and that he had been given a 30-day suspension, which the Personnel Board modified to fifteen days. After the evidentiary hearing, the Hearing Officer was unable to locate this appeal and requested counsel for both parties to provide additional identifying information regarding the matter. In accordance with that request, and without objection from either party, disciplinary letters written to KSR employee Rick Barry were sent to the Personnel Board and are identified collectively as Hearing Officer Exhibit 1. A letter dated November 4, 2015, informed Berry that Warden Aaron Smith was amending his 30-day suspension to a 15-day suspension. This decision was apparently made after a disciplinary hearing. (The suspension was not appealed to the Personnel Board.) Berry, a Correctional Officer, was charged with, and admitted to, groping the breasts of another officer after he attempted to hug and kiss her. Appellant had performed the investigation into Barry's misconduct.

30. While Appellant was dismissed for actions arguably similar to Berry's, which only resulted in a 15-day suspension for Berry, Warden Valentine testified that she did not consider herself bound by the disciplinary decisions of prior wardens. As Appointing Authority, the decision-maker at a correctional institution in disciplinary matters is typically the warden, who must be allowed to enforce the reasonable standards of behavior that the Department of Corrections has created to ensure the safety of that institution's staff, inmates, and volunteers. As the U.S. Supreme Court noted in Bell v. Wolfish, 441 U.S. 520, 99 S.Ct 1861, 60 L.Ed2d 447 (1979), "...the problems that arise in the day-to-day operation of a corrections facility are not susceptible to easy solutions. Prison administrators therefore should be accorded wide-ranging deference in the adoption and execution of policies and practices that in their judgment are needed to preserve internal order and discipline and to maintain institutional security." Id at 547. Accordingly, if a warden finds a complaining witness to be credible, as Valentine testified she found Perkinson to be, her enforcement of established DOC policy should not be constrained by the actions of past

wardens. This is particularly true when weighing the culpability of an Internal Affairs Captain. It bears repeating that the role of Internal Affairs Captain involves investigating charges of staff and inmate misconduct, and requires the highest standard of integrity, professionalism, and truthfulness.

31. At the evidentiary hearing, James Erwin raised the specter of possible racial discrimination on the part of DOC. He stated that, in his opinion, the dismissal of Appellant, an African American, was much more severe in comparison to the relatively lenient disciplinary actions taken against other DOC employees accused of similar misconduct, whom he stated were all white. As discussed above, the Hearing Officer finds those disciplinary actions can be distinguished from Appellant's. However, such an accusation must be given serious consideration. Looking at all the evidence of record, the Hearing Officer finds no indication that Warden Valentine, or any other employee of the Justice and Public Safety Cabinet, acted with a discriminatory motive in Appellant's dismissal. Indeed, John Grevious, who was also dismissed, testified that Warden Valentine had been a "mentor" to him. (Testimony of John Grevious). And what was developed at the evidentiary hearing was that Warden Valentine was such close friends with Appellant's wife, that the decision to terminate him had been "extremely difficult." (Testimony of Warden Valentine.) Finally, the Hearing Officer also notes that Rick Berry was ultimately dismissed from his position at KSR by Warden Valentine for failing to report (on an application for promotion) the above-referenced suspension. (Hearing Officer Exhibit 1.)

32. After weighing the conflicting testimony, the Hearing Officer finds that Perkinson's assertion that Appellant forcefully kissed her without her consent, and the testimony of both Perkinson and Tapia that Appellant made unwanted comments to Perkinson, to be more credible than Appellant's denial of same. Such conduct is a violation of CPP 3.5., the policy against sexual harassment, which prohibits: "sexual contact" and "lewd or sexual comments about an individual's body or attire." (Appellee's Exhibit 12.)

33. The Hearing Officer finds that Appellant also violated CPP 3.23, the policy on Internal Affairs investigations, and specifically rejects the contention of James Erwin that this policy does not direct Internal Affairs officers to report actions taken by DOC staff "off site." The policy states, in relevant part: "All staff, volunteers, and contractors shall report violations of policy procedures, and law. Failure to report such violations shall result in disciplinary for staff...Reportable violations shall include those events occurring on or off duty." [CPP 3.23, II., G (1, 2); Appellee's Exhibit 14.] If the policy was meant to solely address the "encouragement of self-reporting by a DOC employee of a criminal charge outside the work setting, such as a DUI" as Erwin purported, that intent is not evident in the plain language of the policy. Consequently, the Hearing Officer finds that Appellant failed to report the written statement given to him by Officer Fulton regarding Perkinson's allegation that "someone from work...pushed himself on her." (Appellee's Exhibit 2). That failure constitutes unsatisfactory performance of duties and is a violation of CPP 3.23.

34. The Hearing Officer finds that Appellant's inappropriate conduct toward Perkinson and his failure to forward Fulton's statement to Warden Valentine to be just cause for his dismissal,

and his dismissal was neither excessive nor erroneous as established by all the surrounding circumstances.

35. The Hearing Officer finds that the charge in the dismissal letter that Appellant falsified his employment application in 2011 was not shown by a preponderance of the evidence at the evidentiary hearing, and in fact, Warden Valentine testified that the charge was "being withdrawn."

CONCLUSIONS OF LAW

1. A classified employee with status shall not be dismissed, demoted, or suspended except for cause. KRS 18A.095(1). Appointing Authorities may discipline employees or lack of good behavior or the unsatisfactory performance of duties. 101 KAR 1:345, Section 9.

2. The complaining witness, Nora Perkinson, was subjected to a series of inappropriate behavior, which the Hearing Officer finds was based on the fact that she was female.

3. Pursuant to KRS Chapter 18A, it is clear that an Agency does not have to tolerate sexually inappropriate behavior from one of its employees or be forced to wait until the employee's misconduct rises to the level of actionable sexual harassment claim under state and federal law. Under the misconduct standard set out in KRS 18A.095(1) and given the totality of the circumstances, the Hearing Officer concludes, as a matter of law, that Appellant's sexually-related comments and his kissing a coworker without her consent, as set out above, constitutes bad behavior under 101 KAR 1:345. (This is consistent with the Board's conclusions in James Howitz v. Transportation Cabinet, Personnel Board Appeal No. 2019-100.)

4. Appellant's inappropriate behavior toward Nora Perkinson and his failure to inform the Warden of Fulton's report of possible misconduct must be further analyzed within the framework of Appellant's position at the institution. As Internal Affairs Captain, it was Appellant's job duty to investigate allegations of sexual harassment within the institution. The importance of ensuring that the Internal Affairs Department of an institution exhibits the utmost professionalism and integrity is self-evident. The dereliction of an Internal Affairs Captain's duty to report alleged misconduct, and his commission of actionable misconduct himself, cannot be tolerated by a correctional institution.

5. The Hearing Officer concludes as a matter of law that Appellant's violation of CPP 3.5 and CPP 3.23, as charged in the dismissal letter, constitutes lack of good behavior and unsatisfactory performance of duties pursuant to 101 KAR 1:345.

6. The Hearing Officer concludes as a matter of law that Appellee, Justice and Public Safety Cabinet, failed to show by a preponderance of the evidence that Appellant falsified his employment application in 2011, as charged in the dismissal letter.

7. The Hearing Officer concludes as a matter of law that the decision to dismiss the Appellant was supported by just cause and was neither excessive nor erroneous. KRS 18A.095(1) and (22)(c).

RECOMMENDED ORDER

The Hearing Officer recommends to the Personnel Board that the Appellee's claim in the March 21, 2019 dismissal letter that Appellant falsified his employment application in 2011 is **DISMISSED AS WITHDRAWN**, and the appeals of **MICHAEL WILLIAMS V. JUSTICE AND PUBLIC SAFETY CABINET, DEPARTMENT OF CORRECTIONS (APPEAL NOS. 2019-016 and 2019-065)** be **DISMISSED**.

NOTICE OF EXCEPTION AND APPEAL RIGHTS

Pursuant to KRS 13B.110(4), each party shall have fifteen (15) days from the date this Recommended Order is mailed within which to file exceptions to the Recommended Order with the Personnel Board. In addition, the Kentucky Personnel Board allows each party to file a response to any exceptions that are filed by the other party within five (5) days of the date on which the exceptions are filed with the Kentucky Personnel Board. 101 KAR 1:365, Section 8(1). Failure to file exceptions will result in preclusion of judicial review of those issues not specifically excepted to. On appeal a circuit court will consider only the issues a party raised in written exceptions. See *Rapier v. Philpot*, 130 S.W.3d 560 (Ky. 2004).

Any document filed with the Personnel Board shall be served on the opposing party.

The Personnel Board also provides that each party shall have fifteen (15) days from the date this Recommended Order is mailed within which to file a Request for Oral Argument with the Personnel Board. 101 KAR 1:365, Section 8(2).

Each party has thirty (30) days after the date the Personnel Board issues a Final Order in which to appeal to the Franklin Circuit Court pursuant to KRS 13B.140 and KRS 18A.100.

ISSUED at the direction of **Hearing Officer Colleen Beach** this 7th day of April, 2021.

KENTUCKY PERSONNEL BOARD



MARK A. SIPEK
EXECUTIVE DIRECTOR

A copy hereof this day mailed to:

Hon. William Codell

Hon. Thomas Clay

Hon. Rosemary Holbrook (Pers. Cabinet)



DEPARTMENT OF CORRECTIONS

Kentucky State Reformatory
3001 W. Hwy 146
LaGrange, Kentucky 40032
Telephone: 502-222-9441
www.kentucky.gov

Jonathan R. Grate
Acting Commissioner

Anna Valentine
Warden

March 21, 2019

Michael Williams

PERNR #

Dear Mr. Williams:

On March 6, 2019, a letter of Intent to Dismiss was mailed to you certified and regular mail to dismiss you from you position of Correctional Captain with the Kentucky State Reformatory. After careful consideration of the statements made on your behalf during the pre-termination hearing held in my office on March 13, 2019, I have determined the weight of evidence establishes that you did commit the charges contained in this notice.

Therefore, based on the authority of KRS 18A.095, you are hereby notified that you are officially dismissed from your position of Correctional Captain with the Kentucky State Reformatory of duty and pay effective **March 22, 2019**.

Pursuant to 101 KAR 1:345, Section 1 and 2, and based upon a review of your performance I find probable cause to believe that your dismissal is justified based on the following specific reason(s):

Lack of good behavior for falsification of employment application in 2011 when applying to position number 30039632, Correctional Lieutenant at the Kentucky State Reformatory for which you were hired effective November 1, 2011. Upon submission of your application, you reported under Work Experience (4): Title of position as Deputy Sheriff, name of employer as Jefferson County Sheriff Office, reason for leaving as "health concerns" when in fact you resigned your position pending charges, prior to disposition of case per the Jefferson County Sheriffs Office. You attested to by electronic signature, "I certify the information given in this application is accurate and complete. I understand should an investigation at any time so falsification, to include omission, I will not be considered for employment, or if employed, I may be dismissed and disqualified from future merit employment". The falsification of the application was discovered while researching your employment history related to EEO case 14-18.

Violation of CPP 3.5 Sexual Harassment and Anti-Harassment for prohibited behavior and sexual contact. On November 1, 2018, Department of Corrections Human Resources Director Rodney

Moore requested an investigation regarding alleged sexual harassment of unwanted physical contact by you. The alleged victim, Nora Perkinson was a Well Path Coordinator when the incident occurred in the summer of 2018. Cabinet Internal Investigations Branch (IIB) investigator Jeffrey Hulker was assigned the case (EEO 13-18), he completed the investigation on December 12, 2018. During the course of the investigation, Ms. Perkinson reported that you told her you had been watching her and liked the way she looked. Ms. Perkinson reported you abruptly kissed her after you entered her office and shut the door behind you. According to Ms. Perkinson, the kiss was "open mouth", more than a "little peck" and she was "shocked" that you kissed her. There was no conversation after the kiss, you exited the office. During the course of the investigation, Sonya Tapia reported she was speaking with Ms. Perkinson about the flirting and dating that occurs at KSR. Ms. Perkinson stated to Ms. Tapia, "Yea, pretty much like I felt when Mike Williams ran his tongue down by throat." Ms. Tapia stated she was "drawn back" by Ms. Perkinson's statement and her demeanor change. During the course of the investigation, Equal Employment Opportunity (EEO) Coordinator John Grevious confirmed Ms. Perkinson had reported to him that you pursued a relationship with Ms. Perkinson and that you made her feel "uncomfortable".

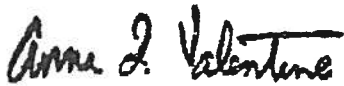
Unsatisfactory performance of job duties as the IAO and violation of CPP 3.23 Internal Affairs Investigations for failure to report and investigate. Internal Investigations Branch (IIB) investigator Jeffrey Hulker completed EEO investigation (EEO 14-18) on January 2, 2019 pertaining to an alleged sexual assault by KSR Corrections Unit Administrator I John Grevious. The alleged victim, Nora Perkinson was a Well Path Coordinator when the incident occurred in the summer of 2018. During the course of the investigation, Officer Jacob Fulton stated that on July 23, 2018, Ms. Perkinson confided in him an incident that occurred at her home regarding a staff member of KSR. Ms. Perkinson did not identify who the staff member was. Ms. Perkinson stated to Officer Fulton that she invited the staff member over and while there, the staff member "pushed himself upon her." Ms. Perkinson stated to Officer Fulton she told the staff member several times "no" and she finally let the situation play out. Officer Fulton stated he reported the alleged sexual assault on Ms. Perkinson to you. During the course of the investigation, you admitted that you did not up line the information you received from Officer Fulton to KSR management. You admitted that you did not conduct an investigation regarding the information provided to you by Officer Fulton. You only advised Officer Fulton that Ms. Perkinson needed to contact outside law enforcement.

Your actions are in violation of 101 KAR 1:345 Section 1 lack of good behavior for falsification of an employment application, Corrections Policy and Procedure (CPP) 3.23 Internal Affairs Investigations for failure to report and investigate as the Internal Affairs Officer (IAO) of KSR, CPP 3.5 Sexual Harassment and Anti-Harassment for failure to report, CPP 14.7 Sexual Abuse Prevention and Intervention Programs for failure to investigate, Prison Rape Elimination Act (PREA) 28.C.F.R. 115 for failure to report, and 101 KAR 1:345, Section 1 unsatisfactory performance of duties.

Pursuant to KRS 18A.032, you will not be certified on future registers for employment within the Department of Corrections unless the Department of Corrections so requests.

In accordance with KRS 18A.095, you may appeal this action to the Personnel Board within sixty (60) days after receipt of this notice, excluding the date notification is received. Such appeal must be filed in writing using the attached appeal form and in the manner prescribed on the form.

Sincerely,



Anna Valentine
Warden

Attachment: Appeal Form

Cc: Thomas B. Stephens, Secretary - Personnel Cabinet
Jonathan R. Grate, Acting Commissioner - Department of Corrections
Rodney Moore, Director - Division of Personnel Services
Personnel File
Evaluation File

Certified Mail - 7018 0680 0000 4937 3415

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