

1 OFFICE OF THE ATTORNEY GENERAL

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4 IN RE: STANKOSKI/STOUT EEO
COMPLAINT INVESTIGATION

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8 CONFIDENTIAL INTERVIEW OF

9 LEO ANDREW JENNINGS, III

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

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on April 16, 2008, at 1:38 p.m.

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

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1 PRESENT:

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

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

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6 17 4-11-08 text to Dann from 30
Urban

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1 MR. ESPY: Mr. Jennings, you know my
2 name is Ben Espy, executive assistant to Marc
3 Dann; and Julie Pfeiffer, senior attorney in the
4 employment section.

5 THE WITNESS: Yes.

6 MR. ESPY: And, Marc, on April 8th,
7 asked us to investigate, look into the
8 allegations of sexual harassment against one
9 Anthony Gutierrez.

10 THE WITNESS: Understood.

11 MR. ESPY: And the testimony we are
12 seeking from you today is under oath. We cannot
13 guarantee confidentiality of what you say.
14 Certain things may be public records.

15 And if you want to proceed, we will ask
16 you to raise your right hand and be sworn in.

17 LEO ANDREW JENNINGS, III
18 being first duly sworn, as hereinafter

19 certified, says as follows:

20 EXAMINATION

21 BY MR. ESPY:

22 Q. Mr. Jennings, state your full name for

23 the record and spell your last name.

24 A. Leo Andrew Jennings, III.

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1 J-e-n-n-i-n-g-s.

2 Q. And, Mr. Jennings, where are you
3 employed?

4 A. I am the communications director for the
5 Ohio Attorney General.

6 Q. And could you briefly outline the duties
7 of the communications director.

8 A. My duties as a communications director
9 are to deal with all press inquiries. I also am
10 in charge of the Web site. I work with the
11 public records department on any requests for
12 public records disclosure made by the press.
13 I -- I write the Attorney General's speeches.
14 Just about anything that deals with the Attorney
15 General or the offices interfaced with the
16 public.

17 Q. And how long have you been employed in
18 that capacity?

19 A. I've been employed since March of 2007.

20 Q. And how did you come about getting that

21 job?

22 A. The Attorney General asked me if I would

23 take the position.

24 Q. Did you hold any other -- any previous

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1 positions with the Attorney General?

2 A. Not with the office.

3 Q. With the Attorney General himself?

4 A. With the Attorney General himself, I was

5 the director of the Attorney General's campaign

6 for Attorney General. I also did the -- worked

7 on the Attorney General's appointment to the

8 Ohio State Senate, when he sought the

9 appointment after congressman Tim Ryan was

10 elected. And I did his campaign for election to

11 a full term.

12 Q. And how long have you known Marc Dann?

13 A. I've known Marc for approximately 17

14 years.

15 Q. And were you part of the transition

16 team?

17 A. I was not an official part of the

18 transition team. I would occasionally sit in on

19 meetings, when I was invited.

20 Q. Okay. Do you know Anthony Gutierrez?

21 A. Yes, I do.

22 Q. And how long have you known Anthony?

23 A. I've known Anthony since 1966.

24 Q. And in what capacity have you known him?

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1 A. We -- he went to -- he was in the same
2 class at St. Anthony's school in Youngstown with
3 my brother -- my younger brother. I was in the
4 same class with Anthony's older brother. Grew
5 up in the same part of Youngstown, and would
6 occasionally see each other, then, as we got
7 older.

8 Q. Would you consider him a close friend?

9 A. I consider him an acquaintance.

10 Q. Did you live in Columbus prior to Marc
11 Dann taking office?

12 A. No, I did not.

13 Q. At some point in time, did you share an
14 apartment with -- or a condominium with Marc
15 Dann and Anthony Gutierrez?

16 A. It's an apartment. And, yes, that
17 began, I believe, July 1st of 2007.

18 Q. And were you the only three people on

19 the lease agreement?

20 A. Actually, I believe the Attorney

21 General's name is the only name that appears on

22 the lease. Or -- that may be -- I'm just

23 working from memory. We may have all signed it,

24 or I may have just signed it, Marc and myself.

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1 I can't really recollect how it was structured.

2 Q. Okay. And what type of apartment is

3 that?

4 A. It's a three-bedroom, three-bathroom.

5 There's one bedroom downstairs, two bedrooms

6 upstairs. Each bedroom has a bathroom. There's

7 a living room, kitchen, and a dining area.

8 There's a one-car garage.

9 Q. And what was the purpose of the three of

10 you sharing the apartment together?

11 A. The purpose was that all three of us

12 continued to reside in Youngstown, but we were

13 all working out of the Columbus office --

14 Columbus Attorney General's office at various

15 times, and so it was the most economical and

16 practical way to deal with the fact that we all

17 resided in Youngstown but were working here.

18 Q. Did you have any decision-making

19 authority in hiring Anthony Gutierrez?

20 A. No. Mr. Gutierrez was hired before I

21 came to work in the office.

22 Q. Okay. Do you know Ed Simpson?

23 A. Yes, I do know Mr. Simpson.

24 Q. How do you know him?

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1 A. I met Mr. Simpson during the Attorney
2 General's transition process at a meeting at the
3 Attorney General's home, when they were
4 discussing how the office would be structured.

5 Q. That's the first time you met him?

6 A. That's the first time I met Mr. Simpson.

7 Q. Do you know Cindy Stankoski?

8 A. Yes, I do.

9 Q. And how did you come to know her?

10 A. I was introduced to her by
11 Mr. Gutierrez.

12 Q. Do you know the occasion?

13 A. I can't recollect exactly when it was
14 that I met Ms. Stankoski.

15 Q. Do you know where you met her?

16 A. No, I don't.

17 Q. Do you know Vanessa Stout?

18 A. Yes, I do.

19 Q. And how did you come to meet her?

20 A. I was introduced to Ms. Stout at the

21 apartment complex.

22 Q. Do you know when that was?

23 A. I don't.

24 Q. Do you know approximately the month?

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1 A. I really don't, Senator. Sometime last
2 fall, but I -- I just don't have any concrete
3 recollection of when that was.

4 Q. Do you recollect the circumstances of
5 what you were doing when you met her? Was it
6 inside the apartment? Was it outside the
7 apartment?

8 A. I can't recollect; and I hate to
9 speculate on when, but I know that it was at the
10 apartment complex.

11 Q. Have you seen Ms. Stout after that
12 initial meeting anyplace else?

13 A. Yes. I mean, I saw her at the Bonefish
14 Grill one evening. I saw her at the Dub Pub one
15 evening. And I saw her on one occasion that I
16 can recollect at the apartment.

17 Q. Did you ever see her at a place called
18 Zeno's?

19 A. No, I did not.

20 Q. What about Cindy Stankoski, have you

21 seen her since the initial meeting?

22 A. I occasionally see Ms. Stankoski working

23 the reception desk on the 17th floor of the

24 Attorney General's office, because that's the

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1 floor in which my office is located. I have
2 occasionally seen her on the 15th floor, where I
3 believe her desk is. And I've also seen her
4 outside the Rhodes Tower on occasion.

5 Q. Have you seen her socially?

6 A. No, I've not. Well, one -- on one
7 occasion at a dinner at the Ocean Club in -- at
8 Easton.

9 Q. And when did that occur, the meeting
10 with her?

11 A. I can't recollect exactly. Again, that
12 was last fall.

13 Q. Is that the only time you saw her
14 socially, at the Ocean Club?

15 A. Yes.

16 Q. Tell me about the Ocean Club, the
17 circumstances around meeting Cindy Stankoski
18 that night.

19 A. To the best of my recollection,
20 Mr. Gutierrez, myself, Jennifer Urban were at
21 Mitchell's Steak House. We were, you know,
22 talking, as we -- as -- and Tony and I did quite
23 often at Mitchell's, Jennifer Urban
24 occasionally -- decided to have dinner, decided

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1 that we had dinner at Mitchell's, and Tony --
2 and this is Mr. Gutierrez and myself, because we
3 were down there all the time -- we had dinner at
4 those two places an awful lot, and asked one of
5 the bartenders to give us a recommendation on
6 where to eat.

7 Q. Do you know the bartender at Mitchell's?

8 A. I know -- I know all of the bartenders
9 at Mitchell's. That may create the wrong
10 impression. But that -- I go there for lunch,
11 and I stop there after work.

12 Q. Do you know a bartender by the name of
13 JJ?

14 A. JJ?

15 Q. John.

16 A. I'm trying to -- I know Krista, Tara,
17 Manny. And there's a bartender named Jim that
18 I -- that works there now. That's the ones that

19 I know.

20 Q. So you and Tony were at Mitchell's and

21 decided to go get something to eat someplace

22 else?

23 A. Yes.

24 Q. Mitchell's is a restaurant?

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1 A. Yes.

2 Q. But you decided you wanted to go

3 someplace else?

4 A. As I said, we ate there a lot. The two

5 places where -- when Tony and I would eat out

6 during the week were Mitchell's and Tony's

7 restaurant down in German Village.

8 Q. Who was with you that night, you and

9 Tony and anybody else?

10 A. Jennifer Urban.

11 Q. Jennifer Urban was there?

12 A. Yes.

13 Q. And the three of you went to the Ocean

14 Club?

15 A. Ocean Club in Easton.

16 Q. And tell me how Cindy happened to join

17 you.

18 A. I have -- I really have no recollection

19 of how she ended up with us.

20 Q. But she did end up with you?

21 A. Yes, she did.

22 Q. Before you began eating or after you

23 began eating?

24 A. I think at the restaurant before we

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1 began eating.

2 Q. Did you all have drinks at the

3 restaurant, the four of you?

4 A. I believe, yes.

5 Q. And was Cindy drinking at the Ocean

6 restaurant?

7 A. I -- again, I can't recollect exactly,

8 so I hate to make an absolutely affirmative

9 statement, Senator.

10 Q. Okay. Were you drinking at the Ocean

11 Club?

12 A. Yes, I did have a glass of wine.

13 Q. Did you see Tony drink at the

14 restaurant?

15 A. I believe that he may have; but, again,

16 I can't recollect exactly, so I hate to state,

17 you know, with any kind of certainty that he

18 did.

19 Q. Was Jen Urban drinking at the

20 restaurant?

21 A. She may have. Again, I'm -- I'm

22 responsible for myself, so I know that I did. I

23 just -- I can't recollect with any specificity

24 who else may have had a drink.

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1 Q. Do you normally, when you go out to
2 restaurants and bars, do you normally have a
3 drink?

4 A. I have a drink with dinner, sure.

5 Q. Okay. And when you normally go out with
6 Tony at these restaurants, do you normally have
7 a drink?

8 A. Yes.

9 Q. And did Cindy Stankoski just show up?

10 A. My recollection is that she -- that when
11 we arrived at the restaurant, she appeared. And
12 I hate to make it sound like it was magical in
13 any way, but because I don't have any
14 recollection about how she got there, I can't
15 really say.

16 Q. How long did she stay there?

17 A. Stayed there through dinner.

18 Q. And how long was dinner?

19 A. Probably about an hour.

20 Q. Do you know who paid for the check?

21 A. No, I don't.

22 Q. You're there for an hour, and then what
23 happened?

24 A. I went back to -- I went back to the

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1 apartment in Dublin.

2 Q. If we had previous testimony that --
3 which is once you left the Ocean Club, you went
4 across the street to another bar, do you recall
5 that?

6 A. There's a --

7 MR. ESPY: What's the name of the bar?

8 MS. PFEIFFER: Adobe Gila's.

9 A. May have. I'm not certain.

10 Q. You don't recall that?

11 A. I don't recall with any -- if we did, it
12 was just for a moment.

13 Q. You went back to your Dublin apartment
14 after that?

15 A. Yes.

16 Q. Do you drive a State car?

17 A. No, I do not.

18 Q. Does Tony drive a State car?

19 A. I believe he does.

20 Q. Did you all ride together that evening?

21 A. No, we did not.

22 Q. You drove separately?

23 A. I drove my car.

24 Q. And was he driving a State car?

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1 A. I would -- I can only assume, Senator,
2 because I -- I didn't see him, and I was not in
3 his car. But -- and I can't say with certainty
4 that he didn't have his own car here. What I
5 can say is that normally he would drive a State
6 car.

7 Q. Okay. Cindy, did she drive her own car?

8 A. I have -- I have no idea.

9 Q. And did Jen Urban drive her own car?

10 A. My recollection is that she did. But
11 she may have driven with me. Again, I -- I --
12 it was however many months ago, so I'm
13 reconstructing it from --

14 Q. This was, I think, during the month
15 of --

16 MR. ESPY: Was it October?

17 MS. PFEIFFER: Yes.

18 Q. -- October. You don't recall the facts

19 of that particular evening?

20 A. No. The fact of the matter is, Senator,

21 when I'm in Columbus, I probably eat out two or

22 three nights a week with a variety of different

23 people, go to fundraisers. I mean, that's

24 basically part of my political work.

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1 Q. Right.

2 A. So one dinner in a series of, you know,
3 more than a hundred just doesn't have any kind
4 of -- you know, doesn't stand out to me in any
5 way.

6 Q. Did you ever see Cindy Stankoski at
7 the -- your apartment?

8 A. No, I did not.

9 Q. The evening that's in question here
10 regarding the events surrounding her going to
11 the apartment --

12 A. Yes.

13 Q. -- you were not there that evening?

14 A. I was not there that night.

15 Q. Do you know where you were?

16 A. I had returned to Youngstown.

17 Q. Did you hear about it once you got back?

18 A. No, I did not.

19 Q. When did you first hear about this?

20 A. I heard about it sometime after the

21 first of the year when Ed Simpson and Joyce

22 Chapple spoke to me about the incident.

23 Q. And what did they say to you?

24 A. They showed me the copy of the text

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1 messages that were sent from -- by Ms. Stankoski
2 to -- to an acquaintance of hers.

3 Q. Why would they show it to you?

4 A. Well, because I handle the
5 communications issues in the office, and they --
6 you know, I'm pretty much -- everything that
7 happens in the office comes past me.

8 Q. Did you have a public records request as
9 a reason why --

10 A. I did not have a public records request
11 at that time.

12 Q. So they just automatically bring you
13 text messages from anybody when they have them?

14 A. No. I mean, obviously, there was --
15 obviously, there was some concern about the text
16 messages because the fact that Ms. Stankoski
17 apparently was concerned about the situation,
18 and it involved her supervisor. But at that

19 point, it was just more for my information than
20 for any other reason, because, again, I deal
21 with any communication issues that may arise in
22 the office, and I think --
23 Q. What's the issue here that arose that
24 brought you into this mix?

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1 A. They just -- they showed it to me
2 because they wanted me to see it. And that's --
3 I mean, you'd have to ask them what their
4 motivation was for showing it to me. Except I
5 would say that, you know, my role in the office,
6 you know, is pretty broad as it relates to
7 knowing everything that goes on.

8 Q. And did you keep the text message
9 yourself once they showed them to you?

10 A. I don't think I kept them. I knew that
11 Joyce had a copy, Ed had a copy, and I knew
12 there were copies in the human resources.

13 Q. Did you tear them up?

14 A. No.

15 Q. You don't recall --

16 A. I don't recall, no. There would be no
17 reason for me to tear them up.

18 Q. Well, that's just a question.

19 A. No, I did not.

20 Q. Do you recall receiving a copy of it?

21 A. I recall being shown a copy of it.

22 Q. But not receiving it?

23 A. It was brought to me.

24 Q. Do you recall any conversations with

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1 Tony that you had torn the text messages up?

2 A. No.

3 Q. Did you tell -- did anyone accuse you of

4 tearing them up in the past?

5 A. No.

6 Q. And after you saw the text messages,

7 what was your reaction to them?

8 A. I -- my reaction was to ask Joyce and

9 Ed, because I'm not responsible for human

10 resources, if -- you know, what action they were

11 taking, if there had been a complaint filed, you

12 know, and what was -- you know, what was the

13 status at that time.

14 Q. And what was the conclusion? What did

15 they say?

16 A. There had been no complaint filed; and

17 it was my understanding that Tony had been

18 counseled by Joyce Chapple on proper conduct

19 with his -- on how to conduct himself with the
20 people who worked underneath him.

21 Q. When did all this occur?

22 A. I don't have a -- I don't have a clear
23 recollection of when that took place.

24 Q. Not even as to the month?

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1 A. It was after the first of the year, I
2 believe.

3 Q. After the first of the year?

4 A. Yes.

5 Q. And you said that Joyce and -- Joyce
6 counseled Tony, or --

7 A. My understanding was that Joyce Chapple
8 was assigned to talk to Tony about how to
9 conduct himself and the proper relationship
10 between supervisory personnel and the people for
11 who -- who work for them.

12 Q. Did you agree with that counseling?

13 A. I wasn't a part of it, but I -- you
14 know, I thought it was necessary. I didn't
15 disagree with it.

16 Q. You thought it was necessary based
17 solely upon the text messages, or --

18 A. Solely upon the text messages.

19 Q. Let me finish my question. This is not

20 really a conversation; it's a

21 question-and-answer period.

22 A. Okay. I understand.

23 Q. Was that based solely upon your

24 conversations with Joyce or other incidents that

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1 you may have heard about or seen yourself?

2 A. Based solely on my conversation with

3 Ms. Chapple and Mr. Simpson.

4 Q. But nothing that you had observed

5 between Tony and any person that works for him?

6 A. No.

7 Q. Do you know if that was written

8 counseling or verbal counseling?

9 A. My understanding was that it was verbal.

10 Q. Did Tony ever discuss with you after he

11 was counseled as to what Joyce had told him?

12 A. No, he did not.

13 Q. Did you ask him?

14 A. No, I did not.

15 Q. When did you first become aware that

16 there were actual allegations of sexual

17 harassment against Tony?

18 A. I became aware sometime after -- shortly

19 after March 6th, when Mr. Simpson and
20 Mr. Winters told me that Stephanie
21 Bostos-Demers, the human resources director, had
22 interviewed Ms. Stankoski and Ms. Stout.
23 Q. I'm sorry. You said you became aware
24 about the interview that occurred?

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1 A. About the interviews that occurred.

2 Q. And who told you about that?

3 A. Mr. Simpson and Mr. Winters.

4 Q. And what was the nature of that

5 conversation with you? Was that part of your

6 responsibilities in that area?

7 A. Well, anticipating that there would be

8 an investigation of sexual -- of charges of

9 sexual harassment, you know, they felt it was

10 necessary to advise me of the fact that the

11 situation had occurred and that an interview had

12 been done.

13 Q. And this would have been on or about

14 what day or week?

15 A. I believe that the week of March -- the

16 interviews, I believe, were conducted on March

17 6th. I became aware of the fact that they had

18 occurred sometime within 48 hours, I believe.

19 Q. Was any decision made by Mr. Simpson,
20 Mr. Winters and yourself about what should be
21 done next?

22 A. I didn't -- I mean, I knew that it had
23 happened. I asked if there had been a formal
24 complaint filed. And then there was kind of a

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1 gap, you know. Mr. Simpson -- I never talked to
2 Stephanie about it. Mr. Simpson was talking to
3 her. And it was just kind of something that I
4 knew, but there had -- there wasn't any further
5 action. And so it was just -- it was out there,
6 but that was about it.

7 Q. So it just sat?

8 A. As far as it relates to me, yes.

9 Q. Did Tony ever tell you around the first
10 of January, latter part of December, that
11 Vanessa Stout had sent him a text message on his
12 telephone that his wife saw?

13 A. No.

14 Q. You never knew about that?

15 A. I knew later that Tony's wife became
16 aware that there were text messages between he
17 and Vanessa.

18 Q. Did you become aware also that Tony's

19 wife relayed this information to Marc's wife?

20 A. I -- yes, I knew that.

21 Q. And this is around about the first part

22 of January?

23 A. I don't -- I mean, I don't recollect

24 exactly what time it was, but I did become aware

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1 of it.

2 Q. Did you become aware of the fact that

3 Vanessa Stout was transferred from general

4 services to IT around the same time that this

5 occurred?

6 A. Yes, I knew she was transferred.

7 Q. Do you know why she was transferred?

8 A. I don't know why she was transferred,

9 except for the fact that at one point the

10 Attorney General questioned why she was working

11 in the reception booth on 17.

12 Q. What was the problem with her working

13 the reception booth?

14 A. He was just -- my recollection is that

15 he was surprised to see her there.

16 Q. Well, what did he base the surprise

17 upon?

18 A. You'd have to ask the Attorney General

19 and Mr. Simpson. He just -- the three of us
20 were together. We were walking, you know, out
21 of the office, past the reception booth to the
22 elevators, and he just made a comment, you know,
23 what is she doing here.
24 Q. Was that tied to her being transferred,

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1 because she was working the booth?

2 A. Because I'm not involved in any HR
3 issues, that would be a question Mr. Simpson
4 would have to answer.

5 Q. But you had mentioned he was surprised
6 about her being in the booth, and I asked the
7 question about her being transferred. What's
8 that got to do with her being transferred?

9 A. I don't know if it had anything to do
10 with her being transferred. What I do know is
11 that the Attorney General expressed surprise.

12 Q. You're still linking that to the
13 question about transfer. I'm trying to figure
14 out how -- read the question back.

15 THE WITNESS: Yeah. Can you read it
16 back, please.

17 MR. ESPY: And the answer.

18 THE WITNESS: Maybe I misunderstood the

19 question.

20 (Record read as requested.)

21 BY MR. ESPY:

22 Q. You see how that question, you tied her

23 being there with the transfer?

24 A. Right. And it may -- it may just be

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1 supposition on my part, because the Attorney
2 General did not talk to me about the, you know,
3 human resource issues as it relates to that.

4 Q. But she was transferred to IT?

5 A. Yes.

6 Q. And did you have occasion to talk to
7 Tony about that, her being transferred?

8 A. I just thought, you know -- Tony told me
9 she was being transferred to IT because she was
10 transferred out of his section.

11 Q. Okay. Have you ever socialized with
12 Vanessa Stout?

13 A. As I said, I --

14 Q. Except meeting her in the bars you named
15 before.

16 A. No. Other than those two times, that
17 would be it, to my recollection.

18 Q. Have you ever socialized with Jennifer

19 Urban?

20 A. Yes.

21 Q. And how many occasions would you say

22 you've socialized and had drinks or dinner with

23 her in the last eight months?

24 A. In the last eight months? Dinner, maybe

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1 twice. Drinks, four or five times.

2 Q. And the evening you were at Ocean Club,

3 you can't recollect if she was driving herself

4 or you drove her there or what?

5 A. No. I have no specific recollection.

6 It could be either way.

7 Q. Okay. Why would Jennifer Urban indicate

8 that you tried to get her to lie in this

9 investigation?

10 A. I don't know why she would indicate

11 that, because that's not the case.

12 Q. Well, let me show you the -- have you

13 heard about the e-mail?

14 A. I've -- I've heard about it, but I

15 haven't seen it.

16 Q. Who told you about it?

17 A. Ed Simpson told me about it.

18 MR. ESPY: We'll have that marked as an

19 exhibit.

20 Q. What did Ed tell you about this?

21 A. Excuse me?

22 Q. What did Ed tell you about this?

23 A. He just indicated that there was a text

24 message that indicated that I had asked Jennifer

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1 to lie.

2 --0--

3 (Exhibit 17 marked.)

4 --0--

5 BY MR. ESPY:

6 Q. So I assume, based upon her text

7 message -- and it could be an improper

8 assumption on my part -- but I assume that you

9 and Jennifer discussed this case prior to your

10 appearing here and her appearing here in front

11 of us.

12 A. We did last Thursday.

13 Q. What was the nature of your discussion

14 about that?

15 A. I received an e-mail from her --

16 forwarded from her to me from James Nash, asking

17 her to call him. And we had been inundated with

18 requests like that. The procedure was to

19 forward them to me. We would send an
20 acknowledgment e-mail to the AG employee who
21 received the e-mail from the reporter and cc it
22 back to the reporter, thanking them for their
23 inquiry.
24 Later that day, there was a public

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1 records request for her personnel file and her
2 picture. It was my practice, whenever one of
3 those requests came in for an employee, to alert
4 them to the fact that their personnel file had
5 been requested, that their picture had been
6 requested.

7 And then on my way driving back to
8 Youngstown on Thursday evening, I was catching
9 up on my phone calls, and I called Ms. Urban to
10 let her know that we had transmitted the -- her
11 personnel file had been transmitted to James
12 Nash. And then I just -- you know, because I
13 knew that we were going to be asked about the --
14 the dinner at the Ocean Club, and I didn't have
15 a clear recollection of exactly what happened
16 that night, I just asked her if she could give
17 me what she remembered about it and, you know,
18 try to refresh my memory. And that's the extent

19 of the conversation that I would with her.

20 Q. Well, from her testimony, it appears

21 that you all were very close. Is that a fair

22 statement?

23 A. Yeah. We spent hundreds of hours

24 working together, and we were personal friends,

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1 yes.

2 Q. And based upon that, I asked her the
3 question about why you would want her to lie in
4 this investigation. And she indicated that you
5 wanted her to be very fuzzy about the facts.

6 Now, is that a true statement, or --

7 A. No, I don't -- I -- I think that's a
8 mis -- I think that's a misinterpretation on her
9 part. I said I was fuzzy about the facts,
10 because I was. And, you know, I knew that we
11 had gone to dinner. There was -- there was
12 absolutely no doubt about that. So, you know, I
13 was just -- I -- I was not clear about how we
14 got there. But other than that, you know, I --
15 absolutely, we went to dinner. And so that
16 was -- that was always going to be a fact that
17 that was going to be entered into the record in
18 this case.

19 Q. She indicated you told her to lie about
20 who she was riding with that evening.

21 A. I -- I -- that's absolutely not true.
22 If she misinterpreted something I said, that's
23 fine. But what I said to her was, I don't have
24 a clear recollection of, basically, the

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1 logistics of getting there. I knew we were
2 there. I don't remember the date. I don't
3 remember, you know, how we got there. And, you
4 know, her -- and I said, can you, you know, try
5 to refresh my memory. She did. I said, I don't
6 know that I exactly remember it that way, but if
7 that's what you say, that's fine.

8 Q. How did she refresh your memory?

9 A. What?

10 Q. What did she tell you?

11 A. She said that we -- as far as she could
12 remember, that we drove together.

13 Q. From Mitchell's?

14 A. From Mitchell's, yes.

15 Q. Did she leave her car down there, as she
16 remembers it?

17 A. She left her car at -- I would assume
18 that if she left her car, it was at the parking

19 lot by 150 Gay Street, because we were together

20 after work.

21 Q. Does it shock you that, based on your

22 close relationship, that she would accuse you of

23 wanting her to lie? Does that shock you?

24 A. Yes.

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1 Q. Have you discussed this with her since
2 Ed Simpson told you about it?

3 A. No, I have not. She called me twice on
4 Friday, and I just didn't return her call,
5 because I was busy, and I have no idea why she
6 called me. Sent me an e-mail about work. I was
7 supposed to talk to her on Friday about some
8 issues related to Forum Health. I assume that's
9 why she was calling me.

10 Q. And she was interviewed before. It was
11 this week. She hasn't called you since her
12 interview?

13 A. She called me. I didn't talk to her.

14 Q. There were also rumors in the office
15 about Vanessa Stout and Cindy Stankoski possibly
16 having affairs within the office. Have you
17 heard those rumors?

18 A. No, I have not.

19 Q. You never heard about Vanessa Stout
20 possibly having an affair with either Tony or
21 Marc?

22 A. With -- affair with Tony or -- I became
23 aware of the fact that there was a sexual
24 harassment allegation.

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1 Q. But you never heard the rumor about
2 having affairs or anything?

3 A. No. My -- I mean, my sense of Tony's
4 relationship with Vanessa was basically two
5 neighbors who liked to go outside and smoke.
6 And that was -- and that was it, I mean, as far
7 as I -- as far as I could tell.

8 Q. What about Cindy and Tony?

9 A. I didn't hear any rumors. I didn't --
10 you know, and I didn't pursue it, because I saw
11 her with Tony on the one occasion.

12 MR. ESPY: Do you have any questions?

13 MS. PFEIFFER: No.

14 MR. ESPY: I may have a couple more
15 questions. Just a second.

16 (Pause in proceedings.)

17 BY MR. ESPY:

18 Q. The last four pages on this document

19 here -- the last four pages here, are those the

20 e-mails you were referring to that --

21 A. The text messages?

22 Q. Text messages --

23 A. Yes.

24 Q. -- brought to you by Ed Simpson and

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1 Joyce Chapple?

2 A. Yes. Yes, they are.

3 Q. Were there more than four, if you

4 recall, or just those four?

5 A. Let me take a look. Girl, I'm in a

6 weird situation. Jessica Utovich is here.

7 I believe there is one that talks

8 about -- that basically says she is there with

9 her boss.

10 Q. I thought that was in there.

11 A. No, it's not, Ben.

12 Q. Let me have that back.

13 A. I believe.

14 Q. Okay.

15 A. My recollection is there's one that

16 says, I'm here with my boss.

17 Q. I remember seeing that one, too.

18 A. Unless it's part of -- unless it's

19 included in one of them and I just missed it.

20 Q. Here it is.

21 MS. PFEIFFER: This is Exhibit 1.

22 MR. ESPY: Okay. Show him the whole

23 exhibit, then.

24 THE WITNESS: Give details in a.m.

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1 Jessica Utovich is here. I'm in a weird
2 situation. With boss and Marc Dann. I'm at
3 Marc Dann's. Come pick me up.

4 That is my recollection of the entire
5 series of text messages.

6 Q. When Jessica Utovich came to the
7 apartment -- have you ever been there when she
8 was at the apartment?

9 A. One time.

10 Q. Since July?

11 A. She came to the apartment when I was
12 there one time, which was right after I moved
13 in, after July 1st, and I was the only one
14 there. She brought some stuff for Marc that I
15 was to give him the next day.

16 Q. Is it safe to say that you were not in
17 the apartment that much?

18 A. I'm at the apartment -- I'm actually at

19 the apartment more than anyone, because, you
20 know, Marc's schedule, he's in Cleveland, he's
21 in -- and this has been from day one. I'm at
22 the apartment more than anyone, because I work
23 in Columbus Monday through Thursday. Marc would
24 come in, go out. We rarely would see each

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1 other. Maybe five or six times in the whole
2 time that we were there.

3 Q. What about Tony?

4 A. Tony, a little more often. But, again,
5 you know, because after work, I go out, I'm at
6 fundraisers and stuff, I would come home later.
7 And the way that the apartment is constructed,
8 if Tony's in his bedroom, or if Marc's in his
9 bedroom, then you go upstairs, and you don't see
10 anyone unless they're in the living room.

11 Q. So you've only seen her once at the
12 apartment?

13 A. Once at the apartment.

14 Q. And you've never seen her come over
15 there and bring her laptop to work on schedules
16 or delivering schedules or anything like that?

17 A. I've never -- I've never seen her there
18 other than that.

19 Q. Okay. Have you discussed your testimony

20 with anyone before coming here today?

21 A. No, I have not.

22 Q. Has anyone tried to contact you about

23 your testimony before you came here today?

24 A. No.

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1 Q. Do you keep alcohol in the apartment,
2 condo?

3 A. If I'm cooking -- cooking is one of my
4 hobbies. If I'm cooking, I'll have a bottle of
5 wine at the apartment. But -- but there's no --
6 you know, there's no bar. There's no, you know,
7 bottles of alcohol just there. It's basically
8 on a meal-by-meal basis.

9 Q. You don't know if there's any tequila or
10 margarita mix there?

11 A. The last time I looked in the
12 refrigerator, there was a -- about this much
13 tequila mix in a bottle that I had purchased
14 (indicating).

15 Q. Okay. What about margarita mix?

16 A. I haven't seen any in the refrigerator.

17 Q. Is there anything that you want to add
18 to the record before we end this interview, your

19 knowledge of these allegations?

20 A. Well, I think it's important to note

21 that from the moment that I became aware of the

22 situation that I have urged everyone to tell the

23 truth, that I have been aware from -- from the

24 moment that the -- that Stephanie's notes

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1 surfaced that all of this would be a public
2 record. And I've stated that in the public
3 numerous times. So there's really -- you know,
4 I can't see any rationale for why I would tell
5 someone to lie, because the record's going to be
6 public, and it's going to -- I have nothing to
7 hide.

8 Q. Well, part of the rationale, just in
9 response --

10 A. Sure.

11 Q. -- was the fact that you are married --

12 A. Yes, I am.

13 Q. -- and riding in a car from a restaurant
14 to a bar with someone else may have caused you
15 some problems.

16 A. It's going to be on the record that I
17 had dinner with someone else. And, you know,
18 I'm completely acknowledging the fact that I

19 have a personal friendship with Attorney Urban
20 that grew out of the literally hundreds of hours
21 we spent working together on Forum Health,
22 Health Alliance, and other situations. I think
23 it's unfortunate that someone can extrapolate
24 from that, the fact that you have a professional

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1 relationship and a personal relationship with
2 someone, and that automatically means, because
3 it's male/female, that it then transcends the
4 situation itself.

5 Q. Not so much extrapolate; Ms. Urban
6 herself told us you said to lie.

7 A. Again, I believe she misconstrued what I
8 said to her. And there's no rationale under
9 which would make any sense, because the fact we
10 went out to dinner is certainly going to be
11 public. So I never said -- I don't think if --
12 again, I can't assume what she said to you. But
13 I don't think that she would claim that I said,
14 you know, we weren't at dinner, or we've never
15 had drinks together, or we're not friends,
16 because we are. And I'm actually proud of the
17 fact that we're friends and that we do have a
18 close relationship.

19 Q. One thing I tried to stress to her and
20 other witnesses, too, that when she testified to
21 this document that she was under oath.

22 A. Uh-huh.

23 Q. And she confirmed this is what she
24 wrote. And I'm not sure if she knew it would

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1 get into the hands of us, because it was sent to

2 Marc.

3 A. Uh-huh.

4 Q. But I think she was fully aware of the

5 consequences of her testifying as to this

6 document.

7 A. Sure. And I guess all I can say to

8 that, Senator, is that people can construe

9 things differently. And that's, I guess, all I

10 can say. Again, except for the fact that if

11 you -- if you look at it in its totality,

12 there's, you know, just -- if I was going to ask

13 someone to lie, it would -- I -- I think I would

14 say lie about the whole thing.

15 Q. But normally people misconstrue things

16 are people who really don't know you; but people

17 who know you normally get it right.

18 A. Well --

19 Q. But people who don't know you
20 misconstrue a person's intentions, maybe their
21 actions.

22 A. Uh-huh.

23 Q. But people who really know you normally
24 know what you're talking about.

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1 A. Well, again --

2 Q. And that's what -- that's the problem I

3 had in terms of --

4 A. Okay.

5 Q. -- Ms. Urban, when she described the

6 nature of the relationship, that she knew you.

7 A. Yes, she does know me.

8 Q. And so that was my concern when she --

9 A. Again, I was speaking in very general

10 terms about that. And, again, I have no idea

11 exactly what she said to you. But, again, I

12 didn't say, you know, don't say we went to

13 dinner, don't say we're friends, don't say that

14 we've never been together, because, you know,

15 the fact that we are friends has no negative

16 connotation to me at all.

17 MR. ESPY: Okay. Great.

18 Thanks, Leo, for coming in.

19 THE WITNESS: Sure. Appreciate it.

20 MR. ESPY: And if you want to say

21 anything else to us, just contact us, we'll get

22 you back in here and put it all on the record.

23 THE WITNESS: No problem.

24 MR. ESPY: Thanks for coming in.

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1 THE WITNESS: My pleasure. Thank you.

2 --0--

3 Thereupon, the sworn interview of Leo
4 Jennings, III, April 16, 2008, was concluded at
5 2:22 p.m.

6 --O--

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1 CERTIFICATE

2 STATE OF OHIO :

SS:

3 COUNTY OF FRANKLIN :

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

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

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

18

19

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

20

Notary Public, State of Ohio.

21 My commission expires: March 10, 2013

22

23

24

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