

1 OFFICE OF THE ATTORNEY GENERAL

2

3

4 IN RE: STANKOSKI/STOUT EEO  
COMPLAINT INVESTIGATION

5

6

7

8 CONFIDENTIAL INTERVIEW OF

9 CHARLIE ROSOL

10

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

14

15

on April 15, 2008, at 11:00 a.m.

16

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

18

19

--0--

20

21

22

23

24

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@priohio.com - www.priohio.com

1 PRESENT:

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

5

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

9

10 --0--

11

12

13

14

15

16

17

18

19

20

21

22

23

24

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@priohio.com - www.priohio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 MR. ESPY: Mr. Rosol, my name is Ben  
2 Espy. I'm executive assistant attorney. And  
3 this is Julie Pfeiffer. She's a senior attorney  
4 in the employment section. Marc Dann, on April  
5 the 8th, asked us to inquire and investigate  
6 into the allegations of sexual harassment by one  
7 Anthony Gutierrez. And we would like to ask you  
8 a few questions concerning that.

9 THE WITNESS: Sure.

10 MR. ESPY: I should tell you these  
11 statements are taken under oath. We try to keep  
12 the information you give as confidential as  
13 possible, but there's a possibility it could be  
14 considered public record, and so we want to at  
15 least tell you that before we ask you questions.  
16 Do you wish to answer questions this morning?

17 THE WITNESS: Sure, yes.

18 MR. ESPY: Okay. Raise your right hand

19 and be sworn in, please.

20           EMIL C. ROSOL

21 being first duly sworn, as hereinafter

22 certified, says as follows:

23           EXAMINATION

24 BY MR. ESPY:

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 Q. Will you state your full name for the  
2 record are and spell your last name.

3 A. My real name is actually Emil, E-m-i-l,  
4 middle initial C, last name Rosol, R-o-s-o-l. I  
5 go by Charlie.

6 Q. And Charlie, where are you employed?

7 A. I am employed at the Attorney General's  
8 office in the general services section.

9 Q. And how long have you been so employed  
10 in that position?

11 A. 15 months, as deputy director.

12 Q. And where did you work before that?

13 A. I still worked in general services, but  
14 I was the office services supervisor. I had  
15 many roles as that, but I worked in general  
16 services. During the transition, I was promoted  
17 up.

18 Q. Okay. Who hired you in 15 months ago?

19 A. Craig Mehall came to me and asked me to  
20 step up as his deputy director. He was acting  
21 director at the time, before they put a -- put  
22 Tony in as director.

23 Q. And Craig Mehall, is he now located in  
24 Washington, D.C.?

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 A. Yes.

2 Q. He runs the Washington office?

3 A. Yes.

4 Q. And you became, then -- the supervisor  
5 was Anthony Gutierrez?

6 A. I'm sorry?

7 Q. Gutierrez?

8 A. Yes. I'm sorry?

9 Q. After you were hired, Anthony Gutierrez  
10 became your supervisor?

11 A. Yes. Sorry.

12 Q. And when did that occur?

13 A. I can't remember exactly when he  
14 started, but he started -- I think it was  
15 February 5th or 8th. So as soon as he started,  
16 he was my supervisor. And actually, I got put  
17 in place -- my bad. I actually have been in the  
18 role now 16 months, because I started in January

19 in this position.

20 Q. Okay.

21 A. January 8th, I think it was.

22 Q. Had you known Anthony, who goes by Tony,

23 before that time?

24 A. No.

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 Q. Okay. Were you familiar with his  
2 background?

3 A. No.

4 Q. At some point in time, did you become  
5 familiar with his background?

6 A. A little bit. I learned a lot from the  
7 papers.

8 Q. The papers?

9 What have you learned about his  
10 background from the papers?

11 A. Well, I know he -- I knew he had a tax  
12 issue, but I didn't know it was federal. I just  
13 thought it was just state. And what I was -- I  
14 mean, what I was told was before he was hired,  
15 he had a -- he had to clear that up, which to my  
16 knowledge, he did.

17 Q. I was talking more in terms of his  
18 background as relates to the job itself.

19 A. Oh. I knew he was -- in regards to  
20 facilities, construction, I knew he was -- he  
21 knew what he was talking about.

22 Q. Okay.

23 A. Is that what you're asking?

24 Q. Yes.

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
**APRIL 15, 2008**

1 A. Yes.

2 Q. And did you report directly to Tony?

3 A. Yes.

4 Q. And what was your official title?

5 A. Deputy director of general services.

6 Q. Were there any more deputy directors in

7 that division --

8 A. No.

9 Q. -- that section?

10 A. No.

11 Q. And what are your responsibilities as

12 deputy director of general services?

13 A. We have roughly 40-some people in our

14 staff, that is, Columbus and also the London

15 office. In London, we also have a general

16 services section out there, and that's -- who

17 heads that up is Dave Hornyak. Tony was the

18 boss. I was second in charge. So him and I

19 were both over everybody in that department.

20 I did -- I -- my job was mostly a lot of  
21 the administrative side of things. Now, Tony  
22 and I worked very closely together when it came  
23 to construction, leases, but we also had other  
24 core people in our section that we all worked as

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.io.com - www.prio.io.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 a team.

2 Q. Okay.

3 A. But my main responsibility was, you  
4 know, I approached most of the people's payroll.  
5 I ran -- I still was the supervisor over office  
6 services, which was the mailroom, copy center.  
7 I was also the -- I also acted as the fleet  
8 manager, which involves our pool cars, buying  
9 cars, ordering -- you know, whatever money has  
10 to do with fleet, that was under myself, but  
11 Tony and I worked together on that. Print shop,  
12 anything to do with the print shop fell under my  
13 hat. But we -- like I said, we all worked  
14 together. Telecommunications, which is Pete  
15 Mash. He was the manager of telecommunications,  
16 but he reported directly to me. But Tony,  
17 myself, and Pete worked together very closely.

18 Q. Were you assigned a car?

19 A. Yes.

20 Q. Was Tony assigned a car?

21 A. Yes.

22 Q. What kind of car was Tony assigned to?

23 A. Now, or what he was assigned to when he

24 was here?

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 Q. When he was here.

2 A. He had four vehicles.

3 Q. Assigned to him?

4 A. Not all at once, but he had one -- the  
5 first vehicle he had was the -- was a 2004 black  
6 Chevy Suburban. The administration wanted to  
7 have the Sunshine Law Express vehicle, so we  
8 took that vehicle and made that the Sunshine Law  
9 Express. So then we needed to get another  
10 vehicle for Tony. BCI was in the transition of  
11 getting new vehicles, so we took an '04 red  
12 Suburban and gave that to Tony.

13 Q. What year was that?

14 A. '04. 2004.

15 Then -- I'm trying to remember -- during  
16 last fiscal year, we ordered some vehicles, and  
17 we -- we were going to purchase new vehicles for  
18 BCI. One of them -- some of them being a Dodge

19 Dakota -- I'm sorry, Dodge Durango. The '04  
20 Suburban, OCIC needed a vehicle of that nature  
21 for -- to my knowledge, was for task force  
22 purposes, so Tony gave his '04 red Suburban to  
23 OCIC for task force purposes, and then Tony took  
24 over a Dodge Durango, which is an all-wheel

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 drive -- it's not 4 by 4, but it's an all-wheel  
2 drive SUV.

3 Well, about two weeks later roughly -- I  
4 don't know exactly the time frame, but two weeks  
5 later, a BCI agent was in an accident in  
6 southern Ohio and vehicle was just completely  
7 destroyed. BCI contacted me and I talked to  
8 Tony and I said, Tony, they need another  
9 vehicle. Should we go out and purchase one? He  
10 goes, no, let's give them my Durango. They can  
11 use it because it is an all-wheel vehicle. This  
12 is right around the wintertime. He's traveling  
13 all down southern Ohio, bad weather. Let's give  
14 him that vehicle, I'll get another one. So at  
15 that time, we didn't purchase a vehicle, we  
16 actually traded in some vehicles, and I got him  
17 a '07 Chevy Tahoe. And that's currently the  
18 vehicle that was assigned to him. Hopefully

19 that makes sense.

20 Q. What kind of vehicle is the Sunshine

21 Express?

22 A. It was a 2004 black Chevy Suburban. And

23 that's right now what the programs department is

24 using.

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.io.com - www.prio.io.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 Q. Is there a policy which governs the use  
2 of those vehicles? Are there policies regarding  
3 that, when they can be used, how they can be  
4 used?

5 A. We -- nobody has ever signed  
6 authorization to drive the vehicle. It's just  
7 when we give it to -- when I give the vehicle to  
8 a person, I say, you know, it's for State  
9 purposes only. And his car also acted -- just  
10 so -- like, when we assign a vehicle to a  
11 certain individual, like Tony, myself, it is not  
12 just used for us. It is used also as a pool  
13 car. So other people in our section can use it.  
14 But when we issued that vehicle to him, we did  
15 say -- to anybody, there's no smoking in the  
16 vehicles, that's against State law, it is for  
17 State purposes only. If you do have to go to  
18 the grocery store on your way home, that's

19 acceptable, but once you get home, if you have

20 to go back out, you have to take your own

21 personal vehicle.

22       What else can I say about that? Because

23 sometimes kids -- you know, people want to pick

24 up their kids on the way back from school, and

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.io.com - www.prio.io.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 they're in a pool car. We tell them it's okay,  
2 but once you get home, you have to use your own  
3 personal car. So it's kind of known. I don't  
4 think there's anything in the policy. I don't  
5 recall. I don't remember. But it's something  
6 that we try to voice to the people when they  
7 take one -- or when they have a vehicle assigned  
8 to them, that this is the policy -- or this is  
9 what you should -- you can and cannot do.

10 Q. How is that monitored? Is it monitored?

11 Is it based on --

12 A. Based on trust, based on -- most people  
13 that have the State vehicle assigned to them,  
14 besides BCI, because BCI -- all agents have an  
15 assigned vehicle to them, most vehicles  
16 downtown, it's to upper management. Now, I know  
17 I'm not considered upper management, but they --  
18 one was assigned to me due to I do some

- 19 traveling, plus with being in general services,
- 20 we do a lot of office moves for sections,
- 21 picking up furniture, so we thought it would be
- 22 beneficial for us to have a vehicle -- for me to
- 23 have a vehicle and other people in my section
- 24 could use it.

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prioio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 Q. Are you aware or have you become aware  
2 of the vehicles being used while the employee  
3 had been drinking?

4 A. I wasn't -- yes.

5 Q. And --

6 A. But I didn't hear it from -- I heard it.

7 I don't know for sure, but I did hear that  
8 rumor.

9 Q. Who did you hear it from?

10 A. I don't know if I heard it, but I know  
11 that he went out to drinks after work.

12 Q. Who is he?

13 A. Tony.

14 Q. Okay.

15 A. I know he went -- used to meet some  
16 other coworkers after work, and I knew he was  
17 assigned a State vehicle. I put two and two  
18 together. He was out drinking while he was

19 driving.

20 Q. Had you ever been present while he was

21 drinking --

22 A. No.

23 Q. -- and driving a State vehicle?

24 A. No, I have not.

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
**APRIL 15, 2008**

1 MS. PFEIFFER: If you could just let  
2 Mr. Espy ask his whole question and then you  
3 answer, just so the court reporter can --

4 THE WITNESS: Sure.

5 MS. PFEIFFER: -- get it all down.

6 MR. ESPY: I'll repeat that.

7 BY MR. ESPY:

8 Q. Have you ever been present when he had  
9 been drinking and driving a State vehicle?

10 A. No.

11 Q. Did you ever go drinking with Tony?

12 A. No.

13 Q. Based on the rumor that you heard, did  
14 you take any other action after hearing the  
15 rumor about -- like approaching Tony about the  
16 rumor?

17 A. I did. I didn't want to, because I felt  
18 that I wasn't supporting him, but I thought it

19 was my job that I had to -- I did hear about  
20 these rumors, and then I also kind of -- I  
21 put -- used my common sense and said, I have a  
22 feeling he is. And I did speak to Bev Staten  
23 about this -- about these issues.  
24 Q. Do you --

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.io.com - www.prio.io.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 A. Voiced my concern to her.

2 Q. Do you know what she did, if anything,  
3 in follow up to your advice?

4 A. I was told she talked to other senior  
5 management. I'm not sure who she spoke to, but  
6 I was told she did speak to other people, and it  
7 was actually already known what he was doing.

8 Q. Did she tell you that or somebody else  
9 told you that?

10 A. She told me that.

11 Q. Do you know whether or not anything was  
12 ever done about it or not?

13 A. To my knowledge, nothing was ever done.

14 Q. The rumors didn't persist after that?

15 A. It was pretty well known what he was  
16 doing.

17 Q. By whom?

18 A. Our section. People -- other

19 management, people -- my feeling, other

20 management people knew about it.

21 Q. Referring to the 17th floor?

22 A. Yes.

23 Q. Are you referring to anyone in

24 particular?

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 A. Yes.

2 Q. Who was that?

3 A. I believe Beverly talked to -- I

4 believe, I'm not for sure, but I believe she

5 talked to Ed Simpson, Joyce Chapel, and I

6 believe Tom Winters and Sherry Maxfield were

7 aware of the situation.

8 Q. Okay.

9 A. I can't say for sure those four people,

10 but I'm pretty --

11 Q. Who are you sure about?

12 A. I'm not really sure about anybody. I

13 just -- I -- I just know I went to Beverly and

14 said, listen, I feel like I'm a rat, but I've

15 got to be honest with you, I've got to tell you,

16 it's not right, and I'm just trying to be honest

17 with you. Anybody ever comes to me in the

18 future and says did I know about these

19 situations and I said, yes, I never did anything  
20 about it, then I'm just as guilty as he is. So  
21 I felt I had to say something. And I trust  
22 Beverly. She's one of the very first people I  
23 ever met in the office, when the transition  
24 happened, and I felt I could talk to her freely

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prioio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 and openly and she wouldn't think anything

2 negative about me.

3 Q. But she's not in your chain of command,

4 is she?

5 A. No.

6 Q. You didn't feel comfortable talking to

7 Ed Simpson directly?

8 A. No, I did not.

9 Q. I want to go back, Charlie, to September

10 of 2007.

11 A. (Witness nods head.)

12 Q. I want to go back to an incident that

13 occurred on September the 10th, where Tony

14 allegedly had drinks with Cindy Stankoski. Do

15 you know Cindy Stankoski?

16 A. Yes. She's one of my employees.

17 Q. Okay. And are you aware of the date I'm

18 talking about, September the 10th, 2007?

19 A. Yes.

20 Q. Could you tell me what happened that

21 particular day, how -- your involvement.

22 A. Well, I was actually involved almost

23 from the get-go. I got a call from Mariellen

24 Aranda, who was one of my employees, but no

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 longer is. She's now part of a different  
2 section. She contacted me, I don't remember the  
3 time exactly, probably around 10:00, 10:30. She  
4 was pretty much flipping out on me, saying Tony  
5 is --

6 Q. Is that 10:00, 10:30 at night?

7 A. 10:00 or 10:30 at night, p.m. Sorry.

8 That Cindy was out having drinks with Tony. I  
9 don't remember the bars or anything they were  
10 at. But got a call from Marc Dann to go over  
11 and have some pizza, have a few drinks, whatever  
12 it might be. All of the sudden, she's over at  
13 their place -- over at their condo. And I -- to  
14 be completely honest with you, I told Mariellen,  
15 you know what, it's nice you're concerned about  
16 your friend, your coworker, but she's a big  
17 girl. She -- you were, if she needs to get out  
18 of that situation, she can get out of that

19 situation. I said, you know, if -- because I  
20 know there was text messages back and forth,  
21 come get me outta here, you know, I'm in a weird  
22 situation, I don't know what to do.  
23 Q. How are you aware of that, text  
24 messages?

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
**APRIL 15, 2008**

1 A. Mariellen told me.

2 Q. No message came to you directly?

3 A. No, no.

4 Q. Okay.

5 A. I just got a phone call from -- to my

6 home number.

7 Q. She told you that night about the text

8 messages --

9 A. Yes.

10 Q. -- she had received?

11 A. Yes. She was text messaging -- her and

12 Cindy were text messaging, almost, to my

13 knowledge, from the very beginning, that I'm out

14 having drinks, this and that, and now I'm over

15 at the apartment. And --

16 Q. Before we get to the apartment, did you

17 receive a call -- did you call the Ringside and

18 ask for Tony that particular evening?

19 A. No. I -- I called his cell phone.

20 Q. Yes.

21 A. I called his cell phone, but I didn't

22 call whatever bar they were at, no. I called

23 his cell phone.

24 Q. You didn't know where he was when you

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.io.com - www.prio.io.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
**APRIL 15, 2008**

1 called him, but you called his cell phone.

2 A. Yes. I was at -- sorry.

3 Q. What was the purpose of that phone call?

4 A. To be honest with you, I talked to him

5 almost every night, outwork issues, because I

6 left for the day and I'm at home, processing --

7 looking through e-mails on my BlackBerry, and I

8 had some issues I had to discuss with him, and

9 so I called him up, said, hey, do you have time

10 to talk. I knew he was at a bar. You can tell

11 when you're at a bar. It's noisy.

12 Q. Sure.

13 A. And we did discuss a little bit about

14 work, and that was it.

15 Q. Do you recall him handing the phone to a

16 female at that time?

17 A. Yes.

18 Q. And what happened after that? What was

19 the conversation like with the female?

20 A. Well, with the female, I didn't -- I had

21 no idea who it was. I actually thought it was

22 somebody else in the office. I don't know if --

23 I thought it was Jessica Utovich. I said, are

24 you with Jessica Utovich? He goes, no. I would

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@priohio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 not -- I would not mess around with anybody from  
2 work. I said, good. You shouldn't. Good, you  
3 know, stay away.

4 Q. Why did you think it was Jessica  
5 Utovich?

6 A. Her voice.

7 Q. Oh.

8 A. She has a very distinct voice.

9 Q. Yes, I know.

10 A. Yeah. And I thought it was Jessica.  
11 Well, then I talked to -- which I know now was  
12 Cindy, and just -- I'm not going to swear --  
13 just bull -- you know, just talking, hey, how's  
14 it going, why don't you come out and have a  
15 drink, I said, oh, I can't, I'm here with my  
16 son, my wife's working. You guys have a good  
17 time, whatever I said. I don't remember  
18 exactly. But I had no idea it was Cindy.

19 Q. Do you recall him telling you that he

20 was with a smoking hot girl?

21 A. I don't recall that.

22 Q. Okay.

23 A. Maybe. I don't recall.

24 Q. Okay. What happened after that?

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 A. This was -- when I talked to him, it  
2 was -- it was after my boy went to bed. My boy  
3 goes to bed about 7:00. So I'll bet you it was  
4 around 7:30 that I talked to him. So after I  
5 talked to him, I just went about my evening, you  
6 know. And then I got the call from Mariellen  
7 about 10:30 that night. I know it was around  
8 that time because my wife was home, and my wife  
9 gets home between 10:00, 10:30 from work.

10 Q. And what was the gist of the  
11 conversation with Mariellen?

12 A. She was just very, very concerned for  
13 Cindy's welfare. Through the text messages they  
14 were sending each other, she goes, Charlie, she  
15 needs to get the hell out of there. I'm all the  
16 way down in Lancaster. It's an hour or so  
17 drive. I can't get out of there. Whatever -- I  
18 don't remember word for word what our

19 conversation was, but she goes, she needs to get  
20 out of there. I don't know what to do. And I  
21 told her, well, she's a big girl. Cindy used to  
22 work at a bar. She used to bartend. She had  
23 people all the time talking -- you know, hitting  
24 on her. She's a very strong-willed person. I

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.io.com - www.prio.io.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 know she is. She's a very strong-willed person.

2 And I just -- and I told her, I said, you know,

3 if she wants to get out, she'll get out. And to

4 my knowledge, she never got out.

5 Q. What was the big alarm about her getting

6 out? How was the scene described that somehow

7 she was in danger?

8 A. She just said she felt very, very

9 uncomfortable where she was at, because then

10 when she walked in -- or when she got there,

11 there was pizza or whatever, and I think even

12 Cindy told me that -- because she had actually

13 confronted me down the road, you know, that her

14 pizza was even -- her Hawaiian pizza or whatever

15 was there. But she felt more uncomfortable

16 because Jessica Utovich actually walked in.

17 Then she's like, oh, my God, I really need to

18 get the heck out of here. I'm in a weird

19 situation.

20 Q. But you never knew why she thought it

21 was so weird?

22 A. (Witness shakes head.)

23 Q. Okay.

24 A. No.

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 Q. And Mariellen called you to go and pick  
2 her up, that's what the request was?

3 A. Yes.

4 Q. Have you received those calls before, go  
5 pick up an employee who had been drinking?

6 A. No, never. Never.

7 Q. Were you very close to Mariellen?

8 A. Work relationship, yes.

9 Q. Okay. So you didn't think it was out of  
10 the ordinary for her to call you to go pick up  
11 another employee?

12 A. Oh, I thought it was crazy. I couldn't  
13 believe what I was hearing. I was just like,  
14 what? I told my wife, I said, this is crazy.  
15 Why is she even there? She shouldn't even be  
16 there. Tony -- I told -- I told all my people,  
17 but I told Tony, because he was new to the  
18 agency, I said, listen, man, we're not on the

19 construction site no more. You've got to watch  
20 what you say. You've got to watch what you do.  
21 I said our section might take it as who cares,  
22 ha, ha, ha, joke, whatever, but there's other  
23 sections around us that might not take it that  
24 way. Maybe that's not answering your question,

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@priohio.com - www.priohio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 but I just feel it was relevant to say that.

2 Q. How would you describe his demeanor in  
3 the workplace since it's not a construction  
4 site? What prompted that remark?

5 A. He knew what he was doing. I am not  
6 going to -- he was probably the best guy -- we  
7 needed somebody in our section that knew the  
8 construction, knew leases. I was new to my job.  
9 I was trying to understand it, but he was the  
10 perfect person, in my opinion, to be brought in  
11 to do that, because he -- that was his  
12 background. He understood it. He knew it. But  
13 his professionalism, his demeanor, the way he  
14 spoke to people, it just wasn't right. It  
15 wasn't professional.

16 Q. Give me some examples.

17 A. Just sometimes how he just spoke to me.  
18 He was just -- and I actually had a very -- him

19 and I had a very open relationship. I felt I  
20 could talk to him. Sometimes the way he spoke  
21 with me was very unprofessional. Not really  
22 yelling at me, but just very unprofessional,  
23 meaning -- I'm trying to put it in words what  
24 that means. Just very -- very hard, very harsh,

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.io.com - www.prio.io.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 give it to me now. Not being polite about it,  
2 but just like, I want it now, give it to me now.  
3 Just very harsh. And he was like that with a  
4 lot of people.

5 I just don't think he had the  
6 communication skills, the background to work  
7 very closely with other people in an  
8 administration role. That's where I came into  
9 effect. That's why him and I think -- actually  
10 worked very well, because he took over the  
11 leases and construction, and I did the  
12 administration side of it. But he still had to  
13 deal with people, talk to people in our section  
14 and the other sections. And just -- just very  
15 rude. Very rude.

16 Q. Did he use profanity toward you?

17 A. Yes.

18 Q. Did he use profanity toward the female

19 employees?

20 A. I don't think -- I mean, yes, he did

21 swear, but I don't think it was directed

22 maliciously at them. Just, like, in

23 conversation, I don't know if I'm allowed to

24 swear or not, but just saying, you know, the S

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@priohio.com - www.priohio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
**APRIL 15, 2008**

1 word, and saying this and that, not saying --  
2 you know, the F word. Not deliberately saying  
3 it to -- that you are a whatever, just in normal  
4 conversation. Oh, this section, what a pain in  
5 the butt they are, yada, yada, yada. It wasn't  
6 directly, I don't think, at a person, to my  
7 knowledge.

8 Q. Did you ever hear him utilize  
9 disparaging remarks about a woman's body parts?

10 A. Yes.

11 Q. And give me an example of that.

12 A. Well, I'm not gonna lie. I'm a guy,  
13 too, and us guys, you get together, oh, that's a  
14 fine looking woman, you know. I mean, it  
15 happens.

16 Q. I'm not talking about guys to guys, away  
17 from the workplace or in groups. I'm talking  
18 about comments directed to a female employee

19 about her body parts.

20 A. I never heard it, that I recall, but I

21 had -- I had employees come to me about it and

22 say, you wouldn't believe what Tony just said to

23 me.

24 Q. Like what?

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prioio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 A. I -- sir, I don't recall everything, but  
2 one of the ones, it just happened maybe a few  
3 months ago, Cindy is actually going on a trip --  
4 on a vacation, and she's just trying to eat  
5 healthy and trying to get in shape. And Tony  
6 said to her, what are you eating, why are you  
7 eating all these veggies and all that. She said  
8 I'm just trying to -- I'm just trying to get my  
9 Jamaica body ready or whatever. And he goes,  
10 well, what are you eating that goes to her --  
11 pointed to his -- to her butt, because in  
12 reference to why it's a little bit large. And  
13 she come to me right after that and goes, you  
14 wouldn't believe what he just said. She  
15 explained it to me, plus he didn't say it in  
16 front of me, he said it in front of other  
17 attorneys that were in other sections on our  
18 floor. She felt very embarrassed about it.

19 Q. Did she come to you contemporaneously

20 with the time it was said?

21 A. It was around lunchtime.

22 Q. Did you get the impression it was at the

23 time it was said?

24 A. Yes. Because I got the impression he

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 was going out to have a smoke or something, and  
2 so she came to me right after that. She says,  
3 I'm just getting so disgusted, and he said it in  
4 front of other coworkers.

5 Q. Did you ever -- at some point in time,  
6 did you ever hear or become aware of the fact  
7 that Mariellen went to HR about Tony?

8 A. Yes.

9 Q. And when was that?

10 A. To be honest, I don't know a time, but I  
11 just know she got very, very upset the way  
12 Mariellen -- the way Tony spoke to Mariellen.  
13 According to Tony, it was in a joking manner,  
14 but Mariellen took it way out of context and was  
15 very upset by the comments. I even went to Tony  
16 and I said, Tony, man, you might want to talk to  
17 Mariellen because she was pretty upset by what  
18 you said to her. I didn't hear what was said,

19 but I just know it was something about mind your  
20 own business. I don't know the full detail, but  
21 she was very, very upset. I think it was more  
22 of a -- I think he did swear like, mind your own  
23 F-ing business or something. And other people  
24 around us, I think somebody in finance,

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.io.com - www.prio.io.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
**APRIL 15, 2008**

1 overheard it and went back to finance and said,  
2 you would not believe how Tony just spoke to  
3 Mariellen. Mariellen, I think it was her last  
4 leg, listen, I'm fed up, I want to get out of  
5 here, and she spoke to HR. She told me she was  
6 going to go up there.

7 Q. Did she go up there to be transferred --  
8 ask to be transferred?

9 A. I think she first went up there just to  
10 say, listen, this is the situation that's going  
11 on down here. I'm very uncomfortable. What can  
12 we do to make this better? And I think -- I  
13 believe HR suggested for her to get transferred,  
14 or it came down from upper management to tell  
15 HR, hey, let's get her out of there.

16 Q. Who are you referring to in upper  
17 management?

18 A. I believe it was Joyce. I think

19 Stephanie Bostos went to Joyce and said, hey, we

20 have an issue -- situation and Joyce said, well,

21 get her out of there. Let's transfer her.

22 Q. On that visit to HR by Mariellen, do you

23 know whether or not she took the text messages

24 with her from Cindy?

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@priohio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 A. I was told she actually e-mailed them to  
2 Molly Taylor and then she confronted Molly  
3 Taylor, and Molly Taylor, when she was in HR,  
4 said, listen, thank you for coming to me, but  
5 you need to talk to Stephanie. She's the HR  
6 director.

7 So Molly got Stephanie completely up to  
8 speed, what they discussed, and then either a  
9 couple days or a day later, all three of them,  
10 meaning Molly, Stephanie, and Mariellen, all met  
11 and had a meeting. They wanted me to be a part,  
12 too, but I told them I didn't want to be a part  
13 of it. Maybe that's my fault, but I thought  
14 that was between Mariellen, Tony, and HR.

15 Q. Do you recall sometime in the middle of  
16 October, that you called Cindy into your office  
17 and told her you could see the difference in  
18 her, what's bothering her?

19 A. Uh-huh.

20 Q. Do you recall that?

21 A. I don't remember when it was, but, yeah,

22 I do remember her coming in and being upset.

23 Q. Tell me why you called her in.

24 A. I could just -- I could just read people

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 sometimes. And I could just tell if something's  
2 going on, or if you're not happy at your job or  
3 whatever. I called her in and said, hey, what's  
4 going on. And I knew what went down that night  
5 in September, but Cindy had no idea that I knew  
6 what went down. So I brought her in and I said,  
7 hey, what's going on, and to be honest with you,  
8 I don't remember -- remember it that well, but I  
9 just remember talking to her and saying, hey,  
10 what's going on? She said, I'm just having some  
11 issue, I don't know, stuff at work's bothering  
12 me. I said, if anybody around here -- and I  
13 knew what was going on, because I knew the night  
14 about September. I said, if there's any issues,  
15 you can always go to HR. I said, you can always  
16 come talk to me, and I -- me, being your boss, I  
17 can sit with you, talk to you, but that's why  
18 HR's here. And I even actually told -- when

19 Mariellen came to me, I even told that to  
20 Mariellen, that's why HR's here, they're here to  
21 help the employees.  
22 Q. When you called her in your office,  
23 though, didn't she start crying, broke down and  
24 started crying?

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 A. She called -- I don't remember that was  
2 the first time, but I do recall her crying a lot  
3 when she was in my office.

4 Q. Do you recall making a statement to her  
5 that you're aware that she had been sexually  
6 harassed on the job?

7 A. She said that I told her she was  
8 sexually harassed?

9 Q. She indicated that you knew -- you told  
10 her you knew she had done nothing wrong, that  
11 you also knew that she had been sexually  
12 harassed on the job from day one.

13 A. I don't remember that.

14 Q. Do you recall ever making a statement to  
15 her that you knew that she was being sexually  
16 harassed?

17 A. I -- I don't remember. I'm trying to  
18 remember.

19 Q. Let me ask the question directly. Was

20 she sexually harassed on the job?

21 A. I never physically heard -- I never

22 physically heard the comments directly from Tony

23 to Cindy, but when she would come to me and say

24 you wouldn't believe this, you wouldn't believe

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.io.com - www.prio.io.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
**APRIL 15, 2008**

1 that, I'm going by what she told me, then, yes.

2 But I never heard it out of Tony's mouth. I --

3 just from the -- from Cindy coming directly to

4 me, then I felt, yes, she was.

5 Q. What parts of what she told you would

6 you consider sexual harassment?

7 A. Just by the way he spoke with her --

8 spoke to her about -- just talking about the

9 eating incident, you know, going -- you know,

10 going to your butt. I mean, management --

11 anybody, coworkers should never be talking about

12 other people in that demeanor. I mean, that's

13 just totally uncalled for. And I don't know if

14 that answers your question. I just -- it's not

15 in the workplace. You keep that -- it's not

16 part of your work environment. You should never

17 have to deal with that.

18 Q. Did you ever hear Tony tell either Cindy

19 or Vanessa that they owed him for their job?

20 A. No, never heard that.

21 Q. Did he ever tell you that --

22 A. Huh-uh.

23 Q. -- they owe him?

24 A. Not that I recall.

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prioio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 Q. Were you there on the job -- in the  
2 section when Marc's wife came to the section?

3 A. Yes.

4 Q. And were you around when she met Cindy?

5 A. I remember Tony walking her -- walking  
6 Marc Dann's wife by Cindy.

7 Q. Did you see any kind of reaction between  
8 she and Cindy at that time?

9 A. No, but I -- but Cindy came to me and  
10 said, you wouldn't believe the look I just got  
11 from Marc Dann's wife.

12 Q. Did you ask her any question about the  
13 look you --

14 A. She just said it was like -- kind of  
15 like a stare-down, like, who the heck do you  
16 think you are type of look. Just like, I know  
17 what you're up to type of look.

18 Q. Did Cindy tell you why she thought she

19 looked at her that way?

20 A. I don't know if it was from what Cindy

21 said, but I think it all stems from what all

22 went down the months prior. Marc's wife knew --

23 I think she had a recollection of what was kind

24 of going on, and she knew Cindy was involved,

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 and I think that's where the look came from, if  
2 the look happened. I don't know. I never saw  
3 it.

4 Q. Do you know -- do you know what -- were  
5 you ever told what they thought Marc's wife knew  
6 about what had been going on?

7 A. What I was told was that Marc Dann's  
8 wife knew that he was having an affair, and  
9 that's why things happened.

10 Q. Do you know who he had the affair  
11 allegedly with?

12 A. Yes.

13 Q. Who was that?

14 A. Jessica.

15 Q. Did you ever hear that there was an  
16 affair with someone named Vanessa?

17 A. Marc Dann and Vanessa?

18 Q. Anyone and Vanessa.

19 A. I heard the rumor that Tony and Vanessa.

20 Q. Okay. Did Tony's wife ever come to the

21 section?

22 A. Yeah, a couple -- actually, yes, just

23 like a couple weeks ago she was here. And

24 actually, the kids were down here, too. But I

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@priohio.com - www.priohio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 think that's the first time she -- that I ever

2 saw her here.

3 Q. That was a couple weeks ago?

4 A. Yes. The kids were on spring break.

5 Q. Based on these rumors about Vanessa and

6 Jessica, did you hear the same kind of rumors

7 about Cindy with anyone, or just --

8 A. I did hear that rumor, and --

9 Q. Which rumor?

10 A. That -- that -- you talking about Cindy

11 and --

12 Q. And anybody.

13 A. The rumor going about was Cindy and Tony

14 were having a relationship, too.

15 Q. That's the general rumor around your

16 section?

17 A. Yes. Well, around the office.

18 Q. What, the entire office?

19 A. Well, at least on our floor, that's what  
20 people were thinking. And to my knowledge, it  
21 was -- to my knowledge, and I -- I'm going to be  
22 honest with you, I personally asked Cindy, I  
23 said, are you doing anything with him? She  
24 said, no.

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.io.com - www.prio.io.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 Q. Did you ask Vanessa?

2 A. I never asked Vanessa.

3 Q. Did you ever ask Jessica?

4 A. No.

5 Q. You were shocked when Vanessa was  
6 transferred; is that correct?

7 A. (Witness nods head.)

8 Q. You have to answer --

9 A. Yes. Sorry. Yes.

10 Q. And why were you shocked?

11 A. Because first of all, our section -- we  
12 hired Vanessa because we needed another body.  
13 Why she was hired -- we hired somebody to -- we  
14 hired somebody because we needed somebody in  
15 that role.

16 And -- I'm sorry. Can you repeat the  
17 question? I just lost my train of thought.

18 (Record read as requested.)

19 A. We need somebody in that -- my feeling,  
20 we were short staffed. We promoted Cindy when  
21 Mariellen left, so we needed somebody to fill  
22 Cindy's shoes. We are swamped in our  
23 telecommunications side of our office. And when  
24 I found out that now we're losing Vanessa, I was

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 pretty irritated, because I don't know how -- we  
2 couldn't even keep up as we were, and now we're  
3 down one more person. How are we going to keep  
4 up? Yeah, it is kind of irritating. Tony said,  
5 listen, you've got to keep your -- keep yourself  
6 cool. Don't show your emotions because we're  
7 going through some issues. I found out what the  
8 issues were, and just let it go. We'll get  
9 through it. I said okay. I don't agree with  
10 it, but I respect it and I understand.

11 Q. When he said we're going through some  
12 issues, what was your understanding of what the  
13 issues were?

14 A. I didn't know what -- full  
15 understanding, but I just know -- I knew -- Tony  
16 told me that Marc Dann did not want Vanessa on  
17 the 17th floor phone, the phone booth, main  
18 phone booth on the 17th floor.

19 Q. Did he give a reason why?

20 A. I think this was around the time when

21 Marc's wife had the allegations that Mike --

22 that Marc was having an affair. So people

23 knew -- it was my assumption that people knew

24 that Vanessa lived close to their condo. She

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.io.com - www.prio.io.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 knew what was going on. Marc didn't want her  
2 around the 17th floor. Well, the very -- Tony  
3 called me that night. The next day --

4 Q. Did Tony tell you that?

5 A. Tony told me that.

6 Q. That -- strike that.

7 Tony told you that Marc did not want  
8 Vanessa on the 17th floor --

9 A. Correct.

10 Q. -- because his wife didn't want her  
11 there?

12 A. No, not that his wife didn't want her  
13 there. I was just told Marc Dann does not want  
14 her on the 17th floor. That's it.

15 Q. But he didn't give you a reason by Marc  
16 Dann why he didn't want her on the 17th floor,  
17 or did he?

18 A. I think it was because the whole thing

19 went down with -- the allegation between Marc  
20 and Jessica. So -- and Vanessa knew about it,  
21 so he goes, I don't want her on this floor. I  
22 don't know if that answers the question or not,  
23 but that's my -- and maybe I'm -- my story's  
24 getting a little confused. And I don't

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@priohio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 completely remember. But then all of the  
2 sudden, it's like, no, don't want her in this --  
3 don't even want her in this building. Get her  
4 over to 150. So then he shipped her over to the  
5 IT section.

6 Q. Who said they didn't want her in the  
7 building?

8 A. Tony then told me, we've got to even get  
9 her out of here. We can't even have her in this  
10 building.

11 Q. And at some point in time, did they also  
12 try to transfer her to Akron?

13 A. That is something that somebody told me.  
14 And I -- I didn't know anything about that.

15 Q. At the time that the transfer was done,  
16 did you receive any request from IT that they  
17 interview the person?

18 A. No.

19 Q. Who effectuated the transfer of Vanessa?

20 A. I think it came from management up on

21 17.

22 Q. By management, you're talking about Ed

23 Simpson?

24 A. Yes. I think it came from Ed, because

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prioio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
**APRIL 15, 2008**

1 I -- I don't remember the whole story, but I was  
2 upstairs on 17, talking -- I was around Ed  
3 Simpson's office, and I believe Mark Polster was  
4 there and said, hey, we're going to transfer her  
5 to IT. Mark Polster goes, who? Who is coming  
6 to my section? He had no idea what was going  
7 on. Mark and -- I think it was Ed, I can't  
8 remember for sure, but Mark and Ed had this  
9 conversation, you're going to get this employee,  
10 just deal with it, give her something to do.

11 Q. You heard Marc and Ed tell Mark Polster  
12 that?

13 A. No. Ed told Mark Polster that, not Marc  
14 Dann.

15 Q. Oh, Mark Polster.

16 A. I was up by Beverly's office and Ed  
17 Simpson's office, and we were just talking and  
18 said something about we're going to have to

19 transfer Vanessa to IT. And Mark Polster goes,  
20 who is coming to my section? Oh, we have to  
21 transfer Vanessa Stout from general services to  
22 your section. And he asked why. I believe it  
23 was he asked why and just said, well, because  
24 we've got to make it happen. To be honest with

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@priohio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
**APRIL 15, 2008**

1 you, I can't remember if I actually heard that,  
2 or if somebody told me that. I can't remember  
3 the actual -- but I -- but I do remember I was  
4 upstairs by their office when some communication  
5 occurred.

6 Q. Now, Cindy said that Vanessa was in  
7 tears when she heard about the transfer. Do you  
8 recall that?

9 A. I don't remember that. I know she  
10 wasn't happy, but I don't remember she was  
11 crying.

12 Q. Did anyone tell Vanessa that the  
13 transfer was going to be temporary?

14 A. Yes.

15 Q. Who told her that?

16 A. Tony. Tony told the whole section.

17 Q. Okay.

18 A. But I knew it wasn't going to be

19 temporary. I knew it was going to be a

20 permanent.

21 Q. How long did he say her assignment would

22 be to IT?

23 A. I think they said six to eight weeks,

24 but I can't remember.

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.io.com - www.prio.io.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
**APRIL 15, 2008**

1 Q. Do you know what she was doing in IT?

2 A. No. Well, I think she was helping out a  
3 little bit with the help desk, picking up  
4 computers, moving computers, cleaning keyboards,  
5 mice, stuff like that. But I'm not sure exactly  
6 what her job duties were.

7 Q. Did Tony ever tell you and the rest of  
8 the staff that the reason she had to be moved  
9 was because of budget cuts in your section?

10 A. I don't ever remember him saying that to  
11 staff, unless he said it when I wasn't around.

12 Q. Now, you oversee the moves in the  
13 office -- different offices' moves?

14 A. Yes.

15 Q. On that same day, wasn't Jessica Utovich  
16 moved to the 15th floor?

17 A. I don't know the time frame, but, yes,  
18 Jessica was moved shortly after all this was

19 going on, meaning Vanessa being moved down to

20 15.

21 Q. And do you have records showing what day

22 she was moved to the 15th floor?

23 A. I will have to look through my e-mails.

24 Q. Would you have records on that?

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.io.com - www.prio.io.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 A. If there was an e-mail sent to us, sent  
2 to general services, it would come to me, and  
3 also the staff in office services. And if it  
4 was an e-mail, which I'm pretty sure it was, we  
5 would have tackled that request.

6 Q. Now, why was Jessica moved to the 15th  
7 floor?

8 A. Nobody told us exactly why, but  
9 everybody has suspicion why it happened.

10 Q. And what's that suspicion?

11 A. Suspicion is because she was having  
12 the -- the allegations that she was having an  
13 affair with Marc Dann.

14 Q. And she had to be taken off the 17th  
15 floor?

16 A. Correct.

17 Q. Now, do you know why Cindy wasn't moved?

18 A. They actually -- HR -- not they, HR

19 asked them -- asked Cindy, hey, do you want to  
20 get transferred. I don't think she wanted to,  
21 because she loved what she was doing. She loved  
22 working in our section, working with myself,  
23 working with Pete Mash, James Ford. Now, her  
24 and Andy Miller did not get along that well,

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@priohio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 but -- but they did have a professional work  
2 relationship, but besides that, they wouldn't  
3 really talk too much. But other than that, she  
4 had a pretty -- she liked working in our  
5 section, and she would rather not have got  
6 moved. She just wanted to possibly get her desk  
7 rearranged. But that was it. She -- so, no,  
8 she did not want to get transferred.

9 Q. Did Tony ever ask you to transfer Cindy?

10 A. I don't think he ever asked me. I think  
11 he -- I can't recall exactly, but I think he  
12 asked me, is she going to get transferred, or  
13 are they asking you to transfer her. I said, I  
14 think it came up, but I don't think she wants to  
15 get transferred.

16 Q. When he said did they ask you, who is he  
17 referring to?

18 A. HR.

19 Q. Did you get the impression he wanted her

20 to be transferred?

21 A. I don't -- I don't think so. Not that I

22 recall. I think he -- I think he was just

23 very -- he didn't understand why -- you know,

24 why she was still there. All this stuff going

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 on, why does she still want to be in our  
2 section.

3 Q. What kind of -- how would you  
4 characterize the quality of work from Cindy and  
5 from Vanessa?

6 A. Cindy, excellent worker. I mean, she --  
7 she -- the only issue I had with her was her  
8 time. And I sat down with her a couple times  
9 and I told her, listen, this is your last  
10 warning. If you -- if you continue to be -- if  
11 you're five minutes late, that's one thing, but  
12 when you're 15, 20, 30 minutes late, repeatedly,  
13 I can't have that. So if it continues, I'm  
14 going to have to give you a written reprimand.  
15 Since then, she's been pretty good at it. But  
16 her job performance, excellent. She found  
17 out -- she found out problems and issues that  
18 myself and Pete Mash thought we never -- we

19 thought everything was all hunky-dory, but it  
20 really wasn't, meaning when Mariellen was in  
21 that position. Mariellen, we thought, was doing  
22 a fantastic job but she was not fulfilling her  
23 job duties. Cindy came in, saw there was  
24 issues, saw there was problems, bills not being

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@priohio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 paid, bills not being passed out, and got us

2 completely up to speed.

3 Q. So you would characterize her as an

4 exceptional employee?

5 A. If --

6 Q. A good employee?

7 A. Good -- yes.

8 Q. But for the time problem?

9 A. Yes.

10 Q. Tardiness problem?

11 A. Yes.

12 Q. How would you characterize Vanessa's

13 work?

14 A. I only knew Vanessa for a short amount

15 of time. And she was pretty much still in

16 training mode when she was in our section. She

17 always showed up on time. Time was never an

18 issue with her. A few things she had to do with

19 her kids, take care of her kids for doctor's  
20 appointments, whatever. That was  
21 understandable. But I really didn't -- she was  
22 kind of still in training mode, so I really  
23 haven't dug into her performance.  
24 Q. Did you have -- do you recall if Vanessa

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 got a letter of reprimand for text messages?

2 A. Yes.

3 Q. Do you recall that situation?

4 A. Yes. I was the one that had to write it  
5 up.

6 Q. You were the one that wrote it up?

7 A. Yes.

8 Q. When did you write it up?

9 A. Well, the date on there says January  
10 something. January 5th. But I think I actually  
11 wrote it up sometime in February.

12 Q. Why does the date say something  
13 different from what you --

14 A. I was instructed by Tony to backdate it  
15 and have Vanessa sign it and backdate it to  
16 January 5th because it was about some e-mail  
17 that was sent around Christmastime.

18 Q. Now -- and we're aware that you wrote

19 this in February.

20 A. (Witness nods head.)

21 Q. When did you give it to her?

22 A. The same day I typed it up. Sometime in

23 February. I can't remember. It was beginning

24 of February, I believe.

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.io.com - www.prio.io.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 Q. And did you take it over to IT to give  
2 it to her?

3 A. Yes.

4 Q. And she signed it the same day?

5 A. She signed it on the same day and dated  
6 it January 5th, I believe.

7 Q. Did she not tell you she didn't like the  
8 language in the letter?

9 A. In the very first letter, yes.

10 Q. When was the first letter?

11 A. Well, I came back, I rewrote it, and  
12 then I showed it to Tony. I said, does this  
13 make sense, is this how you want it to read now.

14 And I'm not sure if she had conversations with  
15 Tony. I don't recall. But after he told me,

16 okay, this is good, take it over there, have her

17 sign it, and I did. The first one said -- I had

18 something in there about -- it was -- I think it

19 was like a Christmas or a snowman e-mail that  
20 was inappropriate, things they put on the  
21 snowman or whatever it was. And it was sent  
22 to -- I believe it was sent to Tony's State  
23 BlackBerry, and he wanted something in writing,  
24 because I think his wife actually saw it and

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.io.com - www.prio.io.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 told his wife that she got written up for it for  
2 sending it to him.

3 Q. The wife saw what?

4 A. Tony's wife saw the --

5 Q. E-mail?

6 A. -- the e-mail from Vanessa.

7 Q. And his wife said do what?

8 A. He told his wife, oh, she sends all  
9 these jokes, and I actually wrote her up for it  
10 or something like that. I don't remember exact  
11 word for word.

12 Q. So the e-mail that you -- this letter  
13 you wrote in February kind of backs up what his  
14 story was?

15 A. Yes.

16 Q. You think it's proper to write a  
17 reprimand letter for an employee not in your  
18 section?

19 A. No, but this was done when she was in  
20 the section, so that's why he wanted me to do  
21 it.

22 Q. But this February, she was not your  
23 section.

24 A. Correct.

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prioio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 Q. Is it proper to backdate?

2 A. No. And that's -- I know I -- when I  
3 was doing this, I'm like, I should not be doing  
4 this, but the boss asked me to do it, so I did  
5 it.

6 Q. And she signed it, this is her signature  
7 on the --

8 A. (Witness nods head.)

9 Q. -- on the letter, but the letter was  
10 written and signed in February, not January?

11 A. Yes.

12 Q. Do you know what date in February?

13 A. I don't -- I don't remember exactly. I  
14 think it was around the beginning of February,  
15 but I'm not really sure.

16 Q. Did Vanessa at some point in time tell  
17 you that -- she walked in your office and told  
18 you that Tony told her she would be next to go?

19 A. Did Vanessa or Cindy? Cindy came --

20 Q. Vanessa. Oh, I'm sorry. Cindy.

21 A. Yeah. Cindy came into my office and

22 said, Charlie, I just heard from Vanessa that --

23 I can't remember if it was that night or in the

24 morning -- that, listen -- this was after

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.io.com - www.prio.io.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 Vanessa got transferred -- that now, the  
2 administration's coming after me. I said, how  
3 the heck did you hear that? She goes, well,  
4 Tony was out, had a few drinks. I'm not sure  
5 if -- somehow he talked to Vanessa and said,  
6 well, they took care -- now that you've been  
7 transferred, now they're going offer Cindy. So  
8 that's when she started getting paranoid about  
9 what was going on.

10 Q. Is that when you told her you had  
11 knowledge about the September evening, what  
12 happened?

13 A. No. To be honest with you, I'm sorry, I  
14 don't really remember when I told her I knew  
15 from day one in September 10th, I think it was,  
16 when the whole thing started.

17 Q. But at some point in time, you did share  
18 with her --

19 A. Yes.

20 Q. -- that you knew about that evening --

21 A. Yes.

22 Q. -- is that correct?

23 A. Yes.

24 Q. And you found out on about the September

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@priohio.com - www.priohio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 evening from Mariellen?

2 A. Correct.

3 Q. From anyone else?

4 A. No.

5 Q. Did you not tell her that Tony told you

6 about that evening?

7 A. Yes, but that was months and months down

8 the road.

9 Q. Well, I understand that, but you did

10 tell her at some point in time that Tony told

11 you about that evening?

12 A. Yes. Tony came to me. It was when he

13 first got the Tahoe. I can't remember when that

14 was. Whenever he got -- when we first -- when

15 he got the Tahoe, we actually had a remote start

16 and all that added to the vehicle. Well, I --

17 since where we got it done was Columbus Car and

18 Audio over on Morse Road, which is kind of by

19 where I live -- I live by Westerville -- so I  
20 drove him there and we just started talking.  
21 And he goes -- and he kind of opened up to me a  
22 little bit, and he said, you know, on that  
23 night -- I can't remember word for word, I  
24 apologize -- but on that night, this is what

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 happened. But he -- but Tony told me that

2 Mariellen picked Cindy up.

3 Q. Right.

4 What did he tell you happened that

5 evening, though?

6 A. He just said they went out drinking and

7 Marc Dann called him up -- or however he talked

8 to Marc Dann and said, hey, why don't you guys

9 come over and have pizza or drinks, whatever it

10 is, and they went over. Cindy started to become

11 uncomfortable. I'm not sure if he said if she

12 was loopy or not, but I know he said

13 uncomfortable, and she wanted out of there. She

14 was texting Mariellen back and forth throughout

15 the night, and she finally came to pick her up.

16 Q. Did he tell you that she went and laid

17 down on his bed?

18 A. She did, but at that time, no. He told

19 me just to lay down. I thought -- to be honest  
20 with you, I thought it was on the couch. When  
21 Cindy told me it was on his bed, that was news  
22 to me.

23 Q. But he told you she laid down?

24 A. Yes.

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@priohio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
**APRIL 15, 2008**

1 Q. Did he tell you how long she laid down?

2 A. No.

3 Q. What time did he tell you that Mariellen  
4 picked her up?

5 A. He didn't say.

6 Q. Did you ask Mariellen about that, if she  
7 picked her up or not?

8 A. She told me -- yes. She said no, I did  
9 not go pick -- she said she did not go pick her  
10 up. She spent the night there. That's what I  
11 was told.

12 Q. I'm sorry. I couldn't -- please say  
13 that again.

14 A. I asked Mariellen -- I asked Mariellen,  
15 I can't remember if it was the next day or not,  
16 because I -- around 10:30, 11:00, I stopped --  
17 all communication was cut off between me and  
18 Mariellen because I went to bed and I never got

19 another phone call. So the next day, I asked  
20 her, hey, what's going on, what happened? She  
21 goes, I don't know. All e-mails, all text  
22 messages were stopped around -- I don't know  
23 what time it was, like -- a certain time during  
24 the night. And she goes, Charlie, I've been up

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.io.com - www.prio.io.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 all night. I'm freaking out. I don't know what  
2 happened to Cindy. She was trying to call  
3 Cindy, trying to text her. She wasn't getting  
4 back. So I asked her, I said, so you obviously  
5 didn't go pick her up, so she must have spent  
6 the night, then. She goes, I think she did.

7 Q. I'm trying to get a feel for why  
8 everybody is so afraid where Cindy was and what  
9 was going on there, almost like she was in some  
10 kind of danger or something.

11 A. To me -- for me, I -- if she wants to be  
12 with Tony or with anybody else, that's her own  
13 freewill. Mariellen was freaking out because I  
14 just think she -- I don't know why. I don't  
15 know if she's -- I don't want to say because  
16 she's emotional, but just because she cared too  
17 much about Cindy and saying this is not a good  
18 situation, you should not be drinking with your

19 boss, or be drinking with the Attorney General,  
20 not a good idea, get her outta there. I don't  
21 know. But to me, I was like, she put herself in  
22 this situation. She can get herself out. She's  
23 a big girl. I wasn't too concerned about it.  
24 And maybe -- just like she's her own freewill,

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prioio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 she can do what she wants.

2 MR. ESPY: Excuse me one second.

3 (Pause in proceedings.)

4 MR. ESPY: Could you read back the last  
5 question?

6 (Record read as requested.)

7 BY MR. ESPY:

8 Q. Did you ever hear Tony brag or boast  
9 about the power that he had or his ties to the  
10 Italian community? Did he ever boast that to  
11 you?

12 A. No. No. I don't think so. Not that  
13 I --

14 Q. Do you know whether or not he ever  
15 boasted about that to Cindy and/or Vanessa,  
16 about his power and what he can do and not do?

17 A. Not that I recall.

18 Q. Do you remember the next morning that --

19 on September the 11th, when Cindy came to work?

20 A. Yes. She actually was late. She -- and

21 Tony told me she had to go to a doctor's

22 appointment.

23 Q. Are you the timekeeper?

24 A. Yes.

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 Q. Did you verify that or check into that?

2 A. If she --

3 Q. If she had a sick leave request in?

4 A. I'll have to look. I --

5 Q. Do you remember if you checked into it  
6 then?

7 A. Actually, I don't think she submitted --  
8 I can't remember if she submitted time or not.

9 Q. The time record there says she was there  
10 for eight hours that day.

11 A. She obviously didn't submit it. I  
12 think -- but I don't remember why, but she  
13 didn't submit -- she didn't put time in for  
14 whatever reason. I can't remember if it was  
15 because Tony said don't worry about it, you're  
16 new here, you don't have much time, make it up  
17 and not take a few lunches here or there. I  
18 don't remember.

19 Q. Can you do that?

20 A. We don't make it happen all the time,

21 but, like, if somebody needs to go to a doctor's

22 appointment and it's like an hour, I say, you

23 know -- maybe this is just management decision

24 in general services, but we say, listen, instead

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.io.com - www.prio.io.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 of taking an hour, take a half hour lunch today  
2 and half hour lunch tomorrow to make up for it.

3 Q. Okay. How many times did you refer  
4 Cindy to go to HR?

5 A. I can't recall how many times, but I  
6 know it was several.

7 Q. Several times?

8 A. Every time she came to me, she would  
9 say, you wouldn't believe what he said to me,  
10 this and that, I would say, listen, there's only  
11 so much I can do. I cannot go talk to Tony.  
12 Even though he's our boss, I can't talk to him,  
13 because it's about him. If you want to pursue  
14 this or you want to do anything, you have to go  
15 talk to HR.

16 Q. Did Tony ever call you and ask you about  
17 people going to HR about him?

18 A. Yes.

19 Q. And when did that happen?

20 A. When did it happen?

21 Q. Yes.

22 A. It happened most recently when -- I

23 don't know the time frame, but when the girls

24 came forward. He asked me if I knew anything

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@priohio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
**APRIL 15, 2008**

1 that was going on, and I told him no. And I  
2 knew what was going on.

3 Q. Did you ever hear that e-mails were torn  
4 up by Charlie -- not Charlie, but Tony or Ed  
5 that were in the files of HR?

6 A. Actually, I heard that were torn up, but  
7 not by only Tony or Ed, but somebody by somebody  
8 else.

9 Q. Who was the somebody else?

10 A. Leo Jennings.

11 Q. What did you hear?

12 A. And it wasn't e-mails. It was the text  
13 messages from Mariellen to Molly, and then Molly  
14 to Stephanie Bostos, HR director, that I was  
15 told that Leo came down and says -- I don't know  
16 what the request was, but he requested the text  
17 messages. He took them upstairs. I was told --  
18 and I believe this was per Tony -- that Tony

19 actually saw them, and then they tore them up.

20 Q. Tony read them with him and then they

21 tore them up?

22 A. I don't know how -- if they read them

23 together or what, but I just know that Leo

24 showed Tony the text messages that Mariellen and

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@priohio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 Cindy had during that night.

2 Q. And when was this, approximate time,  
3 what month?

4 A. It -- I don't remember when Mariellen  
5 was transferred, but it was around that time,  
6 when Mariellen was transferred.

7 Q. And --

8 A. I think she was transferred around  
9 October.

10 Q. October?

11 A. Somewhere around there. And --  
12 somewhere -- I can't remember for sure, but  
13 that's -- but that's when Mariellen got very  
14 antsy, too, because she knew that Tony knew -- I  
15 don't know how she knew, but Tony knew that he  
16 saw the text messages back and forth.

17 Q. Who told you that Leo got them from HR?

18 A. Actually, I remember I heard it from a

- 19 couple people, but the one that rings a bell is
- 20 Stephanie, because I would actually talk to
- 21 Stephanie on a couple of occasions about what
- 22 was going on.
- 23 Q. And she said she knew he tore the
- 24 e-mails up?

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prioio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 A. She had a feeling. And then I heard  
2 from Tony that he saw, and then Leo ripped it  
3 up, because it wasn't supposed to be a public  
4 record.

5 Q. Tony told you that also?

6 A. I believe so. I think it actually came  
7 from Tony that she -- that Leo tore it up, not  
8 from Stephanie. Stephanie had a hunch because  
9 she never got them back, but she didn't know  
10 exactly what happened to them.

11 Q. She probably should have known they can  
12 be reproduced again, so I'm trying to --  
13 wondering what the symbolic thing about tearing  
14 them up is.

15 A. I don't know. Because I know -- I know  
16 Mariellen had copies of it, Cindy had -- this is  
17 after the fact, after this whole -- that Cindy  
18 had copies of it, Mariellen had copies of it.

19 I'm not sure if HR kept copies, but I'm assuming

20 they would.

21 Q. Do you know who asked Leo to get the

22 e-mails?

23 A. Huh-uh. No, I do not.

24 Q. Have you ever seen those e-mails?

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@priohio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
**APRIL 15, 2008**

1 A. No, I have not. I don't want to see  
2 them. I actually had the option to and I didn't  
3 want -- did not want to see them.

4 Q. At one point in time, Cindy went to HR.  
5 She came back around 10:00 in the morning and  
6 she said you kind of played dumb like you didn't  
7 know where she was and you winked at her twice.  
8 Is that saying I'm glad you finally took my  
9 advice? Is that what you were saying?

10 A. No. I knew where she was at, and Tony  
11 kept asking me, where's Cindy? I couldn't tell  
12 him that she went up to HR, because he knew --  
13 he would know why. I just said, I don't know  
14 where she's at. I just know she told me she was  
15 going to 17, that's where I thought she was at,  
16 but I knew she was at HR.

17 Q. Was there a concerted effort to kind of  
18 keep Tony in the dark about where Cindy was

19 pursuing this complaint?

20 A. Yes.

21 Q. Were you aware of a meeting that took

22 place in the lady's restroom between Cindy and

23 Stephanie --

24 A. No.

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prioio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
**APRIL 15, 2008**

1 Q. -- exchanging documents?

2 A. No.

3 I just want to saying something. I

4 never urged -- I never forced anybody to go to

5 HR. I just thought it was my job to give them

6 the necessary resources, necessary information,

7 hey, listen, this is -- if you have an issue

8 with anybody -- now, if it was with anybody

9 else, I'd be like, I would have gone to my boss,

10 which was Tony and said, Tony, we have a serious

11 issue, I think, going on here. But I cannot --

12 I couldn't go talk to Tony because he was

13 involved -- allegedly involved. So I -- I

14 urged -- not urged, but I said, listen, if you

15 want to do anything, that's why HR is upstairs.

16 So I never really -- I kind of -- thinking back

17 on the question you asked me, I never was -- was

18 I -- I never was, like, thrilled she went to HR.

19 I just -- I just -- she always would come to me

20 and be like, you wouldn't believe this, you

21 wouldn't believe that. I said, you've got to

22 talk to HR.

23 Q. Did you ever have her come to your

24 office and you told her, don't shut the door

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.io.com - www.prio.io.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 because it may look suspicious?

2 A. Yeah, because I didn't want Tony to walk  
3 by and see us talking and then he would know I  
4 was -- I, you know, had some involvement.

5 Q. Do you remember telling her that a  
6 little birdie told you that the ball's in her  
7 court?

8 A. I don't remember that.

9 Q. Do you remember telling her that  
10 Stephanie told you that maybe she should file a  
11 sexual harassment complaint?

12 A. I don't -- I don't ever remember that  
13 one at all. That doesn't -- she -- that  
14 Stephanie told me that she should file a sexual  
15 harassment complaint?

16 Q. Yeah. Well, didn't you encourage her to  
17 file a sexual harassment complaint? Did you  
18 encourage her to do that?

19 A. I don't -- no, I don't think I did.

20 Q. Okay. Did you ever tell her that you

21 didn't believe Tony's stories about her?

22 A. No. I said if -- I told her I felt like

23 I was in the middle here, because Tony's telling

24 me one thing and you're telling me something

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.io.com - www.prio.io.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 else. And I told Tony the same thing, once this  
2 whole thing broke out, I said, I'm sorry, guys,  
3 I feel like I'm in the middle. You're telling  
4 me one thing. There's got to be a truth  
5 somewhere.

6 Q. Who is Tony's friend that comes up from  
7 Florida? Who is that?

8 A. I met the guy once. And I -- I don't  
9 know who he was. I just knew he drove an RV or  
10 something, but I had no idea who he was. He  
11 stopped in the office for maybe like half hour,  
12 maybe, and then he went on his way.

13 Q. Do you know he called Cindy on her  
14 direct line?

15 A. She actually came in after that and  
16 says, you won't believe, I got the weirdest  
17 call, I got a call from Tony's buddy, wanting to  
18 take me out to dinner or something. I said,

19 what? That makes no sense.

20 Q. Did she tell you he said that Tony knows

21 how to hire hot girls?

22 A. I don't recall that.

23 Q. But you do recall that he asked her out

24 to dinner?

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 A. I don't know if it was to dinner, but I  
2 know it was out to drinks. Oh, you mean Tony's  
3 friend?

4 Q. Right.

5 A. Yeah, she told me that he asked me to  
6 take her out to dinner -- he asked her to go out  
7 to dinner with him, yes.

8 Q. Do you know whether or not she did or  
9 not?

10 A. She told me she did not and was  
11 disgusted by it, what type of person do you  
12 think I am, was her words.

13 Q. Did you ever notice, Charlie, during --  
14 before Vanessa was transferred, was she given an  
15 inordinate amount of work, over and above what  
16 she was supposed to do?

17 A. Was Vanessa?

18 Q. Yeah.

19 A. I don't think so, no. She was doing

20 what she was hired to do.

21 Q. She was not treated any differently than

22 she was before when she was first hired?

23 A. I never treated her differently. Did

24 Tony? Not that I saw.

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prioio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 Q. Okay.

2 A. I mean, they always had a laughing  
3 relationship, you know. We all joked around,  
4 but, you know, you could tell they had a good  
5 relationship.

6 Q. Let's go to March 31st, which is more  
7 recent. Do you recall calling Cindy and asking  
8 her if she was all right?

9 A. In the office?

10 Q. And how her first visit to EEO went? Do  
11 you recall asking her if she was all right?

12 A. I recall at work and just asking her if  
13 she was okay. I could tell something was wrong.

14 Q. You left a voice mail, right? You  
15 didn't talk with her?

16 A. I don't remember.

17 Q. Okay. April 1st, you and Tony went to  
18 Cincinnati.

19 A. Yes.

20 Q. And tell me about that trip.

21 A. Was that on a Tuesday? We went on a

22 Tuesday. It was actually two weeks from today,

23 so that was April 1st. Tony and I went down to

24 Cincinnati. There's remodeling going on down

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prioio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 there. We wanted to make sure everything was  
2 okay. What else do you need to know about it?

3 Q. Well, when you went down there, how many  
4 people went down from the office?

5 A. Just me and Tony.

6 Q. Okay. And did you come back with Tony,  
7 too?

8 A. Yes.

9 Q. Was there a time that Tony went down to  
10 Cincinnati with other people in the office,  
11 including Cindy?

12 A. Yes.

13 Q. And were you on that trip?

14 A. No.

15 Q. So you don't know what happened on the  
16 way back from that trip?

17 A. I just heard.

18 Q. Okay. What did you hear?

19 A. Well, first of all, who went down there  
20 was we had two interns and Cindy, and Tony went  
21 down separately. The two interns and Cindy  
22 drove down three vehicles to Cincinnati office.  
23 I believe it was three -- two or three vehicles  
24 they drove down there, because we were giving

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@priohio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 them new pool cars -- new used pool cars. Plus  
2 they had to move some boxes or too something.  
3 I'm not sure. I can't remember exactly what  
4 they did. But on the way back, the two interns  
5 took off in our State mail van, and then Cindy  
6 came back with Tony.

7 Now, before they left -- or either after  
8 they left or were gone -- I think Mariellen was  
9 still there. I can't remember, though. But  
10 somebody came to me -- I can't remember who it  
11 was -- and said, they're going to stop on the  
12 way back and go to Kings Island. I said, what?  
13 Kings Island? I said, you're on State time.  
14 Unless they're going to take time off, okay, but  
15 there's no time off that Cindy put in, so I'm  
16 like, whatever. Well, it was Mariellen that was  
17 still there, because then Cindy was texting  
18 Mariellen saying, we're actually going to stop

19 at -- he wants to stop at a bar on the way back.

20 And I'm like, after work, or -- no, on the way

21 back. And this was, like, during late -- or

22 early afternoon. I'm not sure the exact time,

23 but I know it was during State time. And I know

24 they stopped at a bar. That's what they told

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 me. That's what I was informed.

2 Q. Do you -- was that in Grove City?

3 A. I know the one stop was in Grove City.

4 I'm not sure where the other stop was at.

5 Q. How often do you inspect the vehicles

6 that are under your supervision?

7 A. It's kind of hard to inspect -- you mean

8 like our pool cars, or all the vehicles?

9 Q. The cars that are utilized by your

10 section up there.

11 A. It's kind of hard. Like, we have 15

12 pool cars, and those cars are constantly out by

13 other staff members. But the vehicles assigned

14 to an employee, for example, mine or employees,

15 Beverly Staten has an assigned car, there's

16 other -- I think Zach Swisher, I try to look in

17 them, but I have my staff look at them when we

18 take them for oil changes or get a carwash. We

19 physically inspect them and make sure it is

20 driving okay.

21 MR. ESPY: Off the record.

22 (Discussion held off the record.)

23 BY MR. ESPY:

24 Q. Did you ever have occasion to hear that

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@priohio.com - www.prioquio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 Tony ran into a guardrail with his car?

2 A. A guardrail? I'm trying to remember.

3 Q. Do you recall some kind of damage to his  
4 car?

5 A. Well, I know there was damage done to  
6 the -- to Marc's Suburban, not to his car.

7 Q. No, I'm talking about Tony's car.

8 A. I don't remember. Well, one of our  
9 interns actually hit a post in the State office  
10 parking garage. That's one of our interns. I  
11 don't remember Tony ever hitting something.

12 Q. Well, it's been attributed to him that  
13 he told someone that he hit a guardrail with his  
14 car.

15 A. I'll have to go back through my -- if we  
16 ever -- any time we ever have work done at a  
17 vendor or out at BCI, because BCI, we have a  
18 garage out there, and they do bodywork and they

19 do everything out there. They always send me,

20 like, a receipt, if there's any parts, stuff

21 like that that was done. I'll have to look

22 back. If you give me -- if you can give me a

23 date, if you have one, I can check.

24 Q. I don't have a particular date.

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prioio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
**APRIL 15, 2008**

1 A. But I'll look. Does it say what car --

2 Q. Do you have records showing any repairs

3 to cars?

4 A. For all the vehicles?

5 Q. For Tony's vehicles.

6 A. Yeah, I have all invoices and stuff for

7 his vehicles, yes.

8 Q. Would you see and get back to us whether

9 or not there are invoices showing repairs to a

10 particular car?

11 A. I will look. I don't remember one,

12 though.

13 Q. Would you necessarily see all of the

14 invoices?

15 A. I should.

16 Q. Okay.

17 A. Even if BCI, because BCI, our in-house

18 shop, even if they do the work, they make up a

19 work order, any parts, labor, whatever -- not  
20 labor, but any parts they put together and I get  
21 a copy of that.

22 MR. ESPY: I think that's all I have.

23 Do you have questions?

24 MS. PFEIFFER: No.

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@priohio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 MR. ESPY: Okay. Charlie, I appreciate  
2 your coming over. And we hope to get this  
3 wrapped up as soon as possible. If you think of  
4 anything else you want to add to your testimony,  
5 make sure you contact either myself or Julie.

6 THE WITNESS: Can I just say something?

7 MR. ESPY: Sure.

8 THE WITNESS: I feel for the job, Tony  
9 was the best -- one of the most knowledgeable  
10 people I know in regards to leases, facilities,  
11 stuff like that, like I mentioned before,  
12 construction. I feel general services always  
13 needs somebody in our department that knows  
14 that. We didn't have that before. I've been  
15 with our section now for over five years. We  
16 need somebody with his expertise. He fit that  
17 very, very well. It's just he could -- my  
18 personal feeling is I think he couldn't manage

19 people. Doing the job, fine; but managing  
20 people, that was my job. That -- and I -- I'm  
21 kind of glad I -- I was there, because I think  
22 if I wasn't there, we would have more issues.  
23 I'm not going to lie. I just think he just  
24 can't manage people. But he -- knowing the job,

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.io.com - www.prio.io.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 getting things done, he's the man to go to,

2 because he can get it done for you.

3 So -- and with Cindy, excellent worker.

4 Just a time issue. And I just feel like I'm

5 stuck in the middle, because I -- because I

6 don't know what -- who is telling the truth and

7 who is not telling the truth. And I just -- I'm

8 hoping -- I'm trying to do my job the best I

9 can, and I'm hoping I directed the employees

10 when they came to me in the right direction.

11 That's all I've got to say.

12 MR. ESPY: Okay. Charlie, I appreciate

13 you coming in.

14 THE WITNESS: If you need anything else,

15 let me know. If I need any invoices, I'll send

16 them to you.

17 MR. ESPY: Okay. Great. Thank you very

18 much.

19                    --0--

20            Thereupon, the sworn interview of  
21 Charlie Rosol, April 15, 2008, was adjourned at  
22 12:23 p.m.

23                    --O--

24            Thereupon, the sworn interview of

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
**APRIL 15, 2008**

1 Charlie Rosol, April 15, 2008, reconvened at

2 12:43 p.m.

3                   --O--

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prioio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1       THE WITNESS: I was walking back, and  
2 just thinking about what you were asking me  
3 about if at any time Tony got in an accident  
4 that I know of. And I kept saying, I don't  
5 recall, but there was. I don't remember a date,  
6 but I do remember when I was telling you how our  
7 intern hit a post in the parking garage, about a  
8 week or so before that, I do recall it was the  
9 right fender, I believe, or right -- on the  
10 right side passenger. One day Tony came in, I  
11 hit something, I don't know what it was, take it  
12 out to BCI, get it buffed out, get it fixed, get  
13 it back.

14       So I dug through my records, and like I  
15 you said, the date on here is not right because  
16 it says March 18th of this year, but if you  
17 look, this is the car that now -- that was  
18 assigned to Tony, but this was the black

19 Suburban. It's now the Sunshine Express. But

20 right there, it says right -- right fender

21 something.

22 MR. ESPY: Right front fender.

23 THE WITNESS: Yeah. So sorry. It just

24 rang a bell when I was walking back. And I --

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@priohio.com - www.priohio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 MR. ESPY: You said the date's not  
2 correct on here?

3 THE WITNESS: No, because that's this  
4 year. It didn't happen this year. It happened  
5 back -- it happened last year.

6 MR. ESPY: Why did the date on here --

7 THE WITNESS: I think when BCI put the  
8 work order in, they put the wrong date.

9 MS. PFEIFFER: You think it might have  
10 been 3-18-07?

11 THE WITNESS: Maybe. The date is not  
12 correct.

13 MR. ESPY: Could it have been fall of  
14 '07?

15 THE WITNESS: I don't remember. I don't  
16 remember what -- our intern's name was Lindsay.  
17 I don't remember when she -- she hit that post  
18 in the statehouse, and it happened about a week

19 or two after Tony's incident, because I remember  
20 the BCI garage was like, God, what else is going  
21 to happen in this car? First Tony, we got the  
22 right side replaced and now we have to replace  
23 the left side.

24 MR. ESPY: Where's the work order for

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@priohio.com - www.priohio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 the intern's --

2 THE WITNESS: I don't have that. I will  
3 look more. Maybe it was put in another folder.  
4 But that vehicle number is 38-177, and that's  
5 the only thing I had in vehicle 38-177.

6 MR. ESPY: Would you be able to tell by  
7 the mileage in terms of how long ago this was?

8 THE WITNESS: See, that's another thing,  
9 I don't think the mileage is right either,  
10 because that vehicle, when Tony got it, had like  
11 a hundred-and-some-thousand miles on it. That  
12 only says like 25,000.

13 MR. ESPY: 29,304.

14 THE WITNESS: Yeah. So I know that's  
15 not right.

16 MS. PFEIFFER: Who fills this out?

17 THE WITNESS: BCI, the garage. BCI  
18 garage.

19 MR. ESPY: Who took the car out there?

20 THE WITNESS: The intern incident, or --

21 MR. ESPY: This one here (indicating).

22 THE WITNESS: I don't recall. If you

23 want, I can have the BCI guys look back and give

24 you some --

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.com - www.prio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 MR. ESPY: Why do you think this date is  
2 incorrect?

3 THE WITNESS: Because March -- what does  
4 that say, March --

5 MR. ESPY: It says March 18th.

6 THE WITNESS: This year?

7 MR. ESPY: This year.

8 THE WITNESS: Because that was just last  
9 month, and it happened before last month,  
10 because we're in April.

11 MR. ESPY: To the best of your  
12 recollection, when did it happen?

13 THE WITNESS: I don't remember.

14 MR. ESPY: This year? Last year?

15 THE WITNESS: I think it was last year.

16 I don't recall. Sorry. I just remember -- I  
17 remember when my intern, Lindsay, came to me.

18 She was flipping out, I can't believe this. I

19 was like, oh, my God, we just got the other side

20 fixed. Now we have to take it back out again.

21 I think it was last year.

22 MR. ESPY: What were you told about how

23 it was damaged?

24 THE WITNESS: When -- the first time?

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@priohio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 MR. ESPY: When Tony --

2 THE WITNESS: I don't remember. He  
3 goes, I don't know what happened. I just went  
4 to my car, it was -- the mark was on the car. I  
5 said, okay, you know, what do you want to do?  
6 He goes, take it out to BCI and get it fixed.

7 MR. ESPY: He didn't tell you he caused  
8 the damage to the car?

9 THE WITNESS: Huh-uh. No, he did not.  
10 I don't know how it was done. I just know there  
11 was damage to the car.

12 MR. ESPY: Well, I wish you would go  
13 back and call BCI and see why this is a  
14 discrepancy.

15 THE WITNESS: Sure.

16 MR. ESPY: See if there is a plausible  
17 answer in terms of why the date's wrong, the  
18 mileage is wrong.

19 THE WITNESS: Okay. Unless this was

20 another instance that happened after all this

21 other stuff, but I don't think so. I don't

22 think so.

23 MR. ESPY: Well, I think you've got to

24 do more checking and see before we can --

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prio.io.com - www.prio.io.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
APRIL 15, 2008

1 THE WITNESS: I will do more checking.

2 Sure.

3 MR. ESPY: -- make this a part of this  
4 report. There has to be either another work  
5 order, maintenance report, because you can't  
6 have two things wrong in the same work order,  
7 the date and the mileage.

8 THE WITNESS: Yeah. Because I know  
9 that -- I know that the mileage is wrong,  
10 because that black Suburban has a  
11 hundred-plus-thousand miles on it.

12 MR. ESPY: Is that black Suburban car  
13 Number 38-177?

14 THE WITNESS: Yeah. That's the Sunshine  
15 Express, the vehicle they use for the programs  
16 department.

17 MR. ESPY: Okay. If you would look into  
18 that for us, Charlie, I'll appreciate it.

19 THE WITNESS: I will. I just wanted to  
20 get a hold of you, because I know -- I do  
21 remember now, that there was something that was  
22 before -- that was not just from my intern.  
23 MR. ESPY: Thank you.  
24 THE WITNESS: I'm sorry.

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@priohio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
**APRIL 15, 2008**

1 MS. PFEIFFER: Thank you for coming

2 back.

3 --0--

4 Thereupon, the sworn interview of

5 Charlie Rosol, April 15, 2008, was concluded at

6 12:51 p.m.

7 --O--

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prioio.com - www.prioio.com

**\*\*CONFIDENTIAL\*\* CHARLIE ROSOL**  
**APRIL 15, 2008**

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 CHARLIE ROSOL was first  
6 duly sworn to testify to the truth, the whole  
truth, and nothing but the truth in the cause  
7 aforesaid; that the testimony then given was  
reduced to stenotypy in the presence of said  
8 witness, afterwards transcribed; that the  
foregoing is a true and correct transcript of  
9 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, 2008

22

23

24

Professional Reporters, Inc. (614) 460-5000 or (800) 229-0675  
pri@prioio.com - www.prioio.com

