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VIA HAND DELIVERY

Speaker Pro Tempore Kirk Schuring
c/o Michael Lenzo, Majority Legal Counsel
Ohio House of Representatives
77 South High Street, 14th Floor
Columbus, Ohio 43215

ATTORNEY-CLIENT PRIVILEGE AND ATTORNEY WORK PRODUCT DO NOT PRODUCE

Re: Investigative Report/Anonymous Complaint

Dear Mr. Speaker:

At your request, I, along with my colleague Attorney Carolyn Davis, conducted an independent, internal investigation into allegations by an unidentified person against Representative William ("Bill") Seitz. The anonymous complaint was sent to Craig Fleck, Deputy Administrative Officer, who then sent the anonymous complaint to Kim Flasher, Chief Administrative Officer. The unidentified person complained of alleged comments made by Rep. Seitz at a roast for Chief of Staff Mike Dittoe in celebration of his tenure of employment. The unidentified person considered Rep. Seitz's comments to constitute sexual harassment. We have outlined our findings in this matter below.

BACKGROUND OF THE INVESTIGATORS

Janica Pierce Tucker, Esq.

- Partner, Taft Stettinius & Hollister LLP (Columbus Office)
- 15 years' experience practicing law (10+ years' experience practicing exclusively in employment/labor law)
- Prepared and delivered management training in equal employment, and presented on the topic of conducting internal investigations
- Experienced internal investigator of employment-related issues for both public and private entities

Carolyn A. Davis, Esq.

- Senior Associate, Taft Stettinius & Hollister LLP (Columbus Office)
- Eight years' experience practicing exclusively in employment/labor law
- Prepared and delivered management training in equal employment, sexual harassment and have delivered several presentations on the topic of conducting internal investigations
- Numerous public and private employment-related investigations

SCOPE OF INVESTIGATION

After receiving background information from Ms. Flasher and Craig Fleck, we reviewed the pertinent sections of the Ohio House of Representatives Administrative Reference Guide. Initially, because of the anonymity of the complaint, the investigators did not interview the complainant. The investigators later learned of the identity of the complainant, but she declined to participate in an interview. It is possible that the complaint may have been made for political reasons based upon information received. The documentation alone, however, did not support such a finding. Further, as will be discussed in the Factual Background section, over 100 people attended the roast and the investigators identified additional people to interview after the interview with Rep. Seitz. As a result, the investigators interviewed three people disclosed as having relevant information.

FACTUAL BACKGROUND

Rep. Seitz is the state representative for the 30th District of the Ohio House of Representatives. He has served in the Ohio state legislature since January 2001. He was asked to speak at a roast in honor of Chief of Staff Mike Dittoe's retirement. The roast was held on Tuesday January 23, 2018 at the Athletic Club in Columbus, Ohio. This event was not sponsored or presented by the Ohio House of Representatives. The complainant complained about a number of issues, but for purposes of this investigation, the investigators focused on two comments allegedly made by Rep. Seitz at the roast:

- Jokes made about former Senator Cliff Hite; and
- Jokes made about two female Representatives.

The complainant in her complaint admits she was not in attendance at the roast, had no firsthand knowledge of the comments, and learned about the comments after reading a political blog. A day after the roast, Rep. Seitz learned of an article written about the roast and understood the article to criticize the remarks he made. He, after speaking with Speaker Clifford Rosenberger, wrote an apology and distributed the letter

to the Speaker and Members of the Ohio House of Representatives. A copy of the letter is attached hereto as Attachment 1. In turn, Speaker Rosenberger acknowledged receipt of Rep. Seitz's apology and expressed his thoughts regarding the comments made by Rep. Seitz. A copy of Speaker Rosenberger's response is attached hereto as Attachment 2. In response to Rep. Seitz's letter sent to the Members of the Ohio House of Representatives, he received a written letter from former Rep. Fessler (who will be discussed below) that stated she "felt no need for an apology." A copy of the letter from Rep. Fessler is attached hereto as Attachment 3.

OHIO HOUSE ADMINISTRATIVE POLICY

The Ohio House of Representatives Administrative Guide for the 132nd General Assembly has the following policies at issue here:

The Anti-Harassment Policy states the House's goal of a working environment free from unlawful harassment, intimidation or discrimination based on, among other protected characteristics, sex. The policy defines sexual harassment as unwelcome or unwanted sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when one of the following criteria is met:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment;
2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonable interference with an individual's work performance or creates an intimidating, hostile or offensive work environment.

The policy specifies that harassment may also include offensive statements or conduct directed at a person because of their sex.

This policy requires the House to conduct an investigation into any allegations of discrimination or harassment. The policy encourages employees to report any such allegations.

SUMMARY OF INFORMATION FROM INTERVIEWS

A. Interview with Rep. Seitz

Rep. Seitz cooperated with scheduling of and participation in the interview. During the interview, he read the speech in its entirety to the investigators. The investigators confirmed that Rep. Seitz did not share his written comments with anyone prior to giving

the speech. He stated that the speech was intended to be funny in nature and the comments were made directly about the Chief of Staff and the issues he faced during his employment as Chief of Staff. Rep. Seitz admitted to making a joke about former Sen. Hite's actions and referenced the song "Let's Get It On" by Marvin Gaye. He also referenced the song "Blowin' in the Wind" in reference to another former representative's behavior. When asked whether these statements were made with the intention of demeaning the complainants of sexual harassment, Rep. Seitz adamantly denied such behavior. He felt the statements were intended to demonstrate that the behavior and actions of the former representatives were inappropriate.

In addition to those comments, Rep. Seitz made reference to some representatives being "out there" and referred to them as wearing a "tin foil hat" which the investigators learned is attributed to someone believing in a conspiracy theory. He agreed that the comment was about former Rep. Fessler. He described that his joke was that the Chief of Staff had a talent for handling difficult representatives and mentioned Rep. Fessler and a male representative as examples. Because Rep. Fessler is no longer with the Ohio House, he compared Rep. Fessler to Rep. Keller to allow the audience to understand the joke. He did not single out Rep. Fessler or Rep. Keller because of their gender. As stated, former Rep. Fessler responded to Rep. Seitz's letter of apology and it was his understanding that Rep. Keller did not take issue with the remarks he made.

Rep. Seitz acknowledges that he was drinking at the roast but states he was not intoxicated at the time he delivered the speech. He also denies that his comments were intended to glorify the sexual harasser and/or minimize the accuser.

B. Interview with Female 1 and Male 1

The investigators interviewed Female 1 and Male 1, both of whom were in attendance at the roast. Both confirmed that they heard about the event through word of mouth and neither believed that the roast was sponsored or put on by the Ohio House of Representatives. Male 1 did not know the event was a roast until he arrived at the event. He arrived 15 minutes before the program began and stayed until the end. Male 1 confirmed that the comments discussed above were made. He felt that some of the comments made by Rep. Seitz were not nice, but he was not personally offended and he laughed at some of the other comments made by Rep. Seitz. He was sitting by two females at the roast and he observed them laughing at remarks made by Rep. Seitz. He can see how others could be offended, but he also felt it was a roast and so it was expected. He also does not recall hearing any negative comments the next day by those who attended.

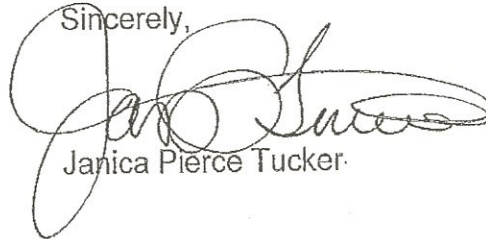
Female 1 described her relationship with Rep. Seitz as cordial, not social, but professional. They have worked on bills together. She finds him to be approachable and helpful. She heard about the event for Mike Dittoe and it was described as a surprise party. She arrived before it started and stayed until the end. She does not recall any

sexual comments being made. She does remember a joke being made about former Sen. Hite, but does not recall the context. She recalls seeing the political blog the next day and she remembers having "no reaction". The next day, she recalls Rep. Keller's name being mentioned but she knew Rep. Keller was not in attendance. Female 1 could not state whether she was offended or not by the comments because she had no recollection of what comments were made. She, however, does remember hearing a comment that made her kind of say "wooh" but doesn't remember what comment was made.

CONCLUSION

Rep. Seitz admits to making the comments and publicly apologized for making the comments. The investigators find that the comments made at the roast regarding former Sen. Hite and the sexual harassment allegations were inappropriate. The comments, however, were not made with the intent to harm or demean the accuser. The comments made in reference to former Rep. Fessler and Rep. Keller were not sexual in nature and were not directed at the representatives because of their gender, therefore, fall outside of the Anti-Harassment Policy. Further, the complainant was not in attendance at the roast and read about the event in a political blog, which did not have all of the facts gathered and referenced herein. While the comments were inappropriate, based upon the language of the Anti-Harassment Policy, the investigators find that Rep. Seitz did not violate the policy.

Sincerely,

A handwritten signature in black ink, appearing to read "Janica Pierce Tucker", written over a large, stylized circular flourish.

Janica Pierce Tucker

JPT/smk

Enclosures

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