

**To: Attorney General Josh Kaul**  
**From: Sarah E. Harebo and Quinn Williams**  
**Re: Investigation Report – Eric Wilson**  
**Date: May 22, 2020**

**INVESTIGATION REPORT – Eric Wilson**

This report addresses allegations that Eric Wilson engaged in conduct that led to multiple reports of use of profane or abusive language, bullying, harassing, or demeaning behavior towards female employees; alleged potential discrimination based on protected class or perceived protected class in imposing workplace conditions relating to an employee’s personal life; alleged potential discrimination based on protected class or perceived protected class in determining whether to investigate and take human resources action against an employee regarding allegations of misconduct; and alleged failure to act on reports of alleged misconduct and discrimination in the workplace and pay based on protected class or perceived protected class. It is asserted that these allegations occurred at various points from January 2019 to December 2019. Eric Wilson was given notice of the allegations and subsequent investigation on December 16, 2019.<sup>1</sup>

The Wisconsin Department of Justice (DOJ) obtained the services of the University of Wisconsin System Administration’s Title IX and Clery Administrator Sarah E. Harebo and General Counsel Quinn Williams as external investigators to conduct the fact-finding portion of the investigation. This report is limited only to determining whether it is more likely than not that an allegation occurred. DOJ will conduct a review of the fact-finding report for purposes of determining what policy violations, if any, and appropriate next steps.

During the course of the investigation, the following individuals, in no particular order, were interviewed:

<b>Witnesses</b>	<b>Interview Date(s)</b>
Eric Wilson	1/17/20; 2/26/20; 5/4/20
Brian O’Keefe	1/14/20; 2/26/20
Jayne Swingen	1/15/20; 2/11/20; 2/25/20
██████████	2/19/20; 3/24/20
██████████ ██████████	1/17/20; 2/25/20
██████████ ██████████	1/22/20
██████████ ██████████	1/27/20; 2/21/20
Ashley Viste	1/29/20
██████████ ██████████	1/21/20
██████████ ██████████	2/19/20
██████████ ██████████	1/31/20
██████████ ██████████	2/18/20
██████████ ██████████	2/11/20
██████████ ██████████	1/21/20
██████████ ██████████	1/21/20

<sup>1</sup> A copy of the Notice is attached hereto as Exhibit A.

In addition, Sarah E. Harebo reviewed emails provided by Eric and human resource materials/documents as well as emails provided by several witnesses. Eric provided a list of witnesses or individuals to speak with regarding his response to the allegation or issues being raised as part of the investigation. The witnesses interviewed were limited to those that could provide specific information as to the allegations. There were suggested witnesses that were not interviewed. In some cases, multiple witnesses were listed for specific issues or information. Individuals were not interviewed, if after thorough review and consideration, there was not a need for further information or if clarification was achieved through the interviews that were conducted or reviewed evidence.

The witnesses that were interviewed had the opportunity to review their statement and make proposed changes or clarifications. Due to the restrictions of the COVID-19 response, the reviews were done via videoconferencing. Each witness, including Eric, had the ability to review their statement via screenshare. The individuals were not permitted to download or take screenshots of the statement. All proposed changes or clarifications were reviewed by the external investigators to determine whether an adjustment would be made.

## **I. BACKGROUND**

Eric is the Deputy Attorney General (DAG) of the State of Wisconsin in the Wisconsin Department of Justice (DOJ). Eric was appointed to this position by Attorney General (AG) Josh Kaul. AG Kaul was sworn into office on January 7, 2019. The reporting structure outlines that all divisions of the Wisconsin DOJ report to DAG Wilson. The allegations of misconduct occurred at various points from January 2019 until present.

## **II. STATEMENT SUMMARIES**

Each witness was individually interviewed by the two external investigators. The following are summaries of the interviews, not factual findings, limited to the information related to the allegations:

### **a. Eric Wilson**

Eric is the DAG of the State of Wisconsin. DAG Wilson was appointed to this position by AG Josh Kaul. AG Kaul was sworn into office on January 7, 2019. The reporting structure outlines that all divisions and offices of the Wisconsin DOJ report to DAG Wilson.

DAG Wilson described his management style as inclusive and that he tries to get all the different voices he needs in the room on a topic to hear from all sides. DAG Wilson said that he is receptive to criticism, feedback, and differences of opinion. DAG Wilson was not aware of any instances where individuals did not feel that they could speak up but acknowledged that his title may make individuals nervous. DAG Wilson stated that he encourages individuals to speak up regardless of their position in the hierarchy of the organization. DAG Wilson has an open-door policy that anybody can come and speak with him. DAG Wilson said that he tries to balance the potential perception of undermining management authority by managers and following his open-door policy of communicating with DOJ employees regardless of position.

DAG Wilson asserted that he does not treat employees differently whether they are female-identified, male-identified, or nonbinary. DAG Wilson noted his commitment to diversity and inclusion. DAG Wilson outlined his commitment by detailing efforts he has undertaken at DOJ to promote efforts to diversify and create an inclusive work environment. DAG Wilson has two male-identified direct reports and seven female-identified direct reports. DAG Wilson said that

every division and office reports to him and he holds bi-weekly or weekly meetings with Division Administrators (DA) and office directors.

DAG Wilson noted that there has been a culture shift from the previous administration and that he underestimated the influence of individuals' experience in the prior administration on the work being done in this one. DAG Wilson said this was evident in his work on the employee survey and that he was frustrated by the reaction of some of the individuals working on this project. DAG Wilson said individuals were concerned regarding aggregate data and being able to identify individual responses on the survey. DAG Wilson indicated that he worked with the National Association of Attorneys General (NAAG) on the survey and data management. DAG Wilson recalled that [REDACTED] [REDACTED] the start. DAG Wilson recalled that in a meeting regarding the survey [REDACTED] told him "don't f--k it up." DAG Wilson said despite his explicit instruction NAAG sent the full survey data and not the aggregate survey data to the DOJ. DAG Wilson noted that the DOJ no longer has that survey data and that NAAG was able to aggregate the data. DAG Wilson said that he was communicating in good faith but indicated that experiences of those in the group with the past administration may have impacted the reception of his communication. DAG Wilson said [REDACTED] specifically did not think that he was telling the truth about his communications with NAAG. DAG Wilson opined that there is a layer of distrust based on employees' experience with the prior administration.

DAG Wilson indicated that he [REDACTED] worked with [REDACTED] on an open records request. DAG Wilson did not recall raising his voice in any meetings on this public records request. DAG Wilson stated that he and [REDACTED] had different [REDACTED] opinions on this request. [REDACTED]

[REDACTED] prepared on this request was biased that may [REDACTED] Wilson said his legal opinion differed and that [REDACTED]

DAG Wilson also recalled that he made a directive that Brian O'Keefe and [REDACTED] [REDACTED] should meet on this issue and [REDACTED] sent an email stating that [REDACTED] [REDACTED] DAG Wilson said that [REDACTED]'s email directly contradicted his directive. DAG Wilson stated that [REDACTED] public records request. DAG Wilson indicated that AG Kaul [REDACTED] for the same reasons that he did.

DAG Wilson indicated that he heard reports of concern regarding Brian O'Keefe, a white male identifying individual, and that he took steps to address them. DAG Wilson said that the reports consisted of allegations that Brian was [REDACTED] stories of social gatherings involving alcohol in Brian's hotel room at conferences and having an autocratic or bullying management style. DAG Wilson indicated that [REDACTED] [REDACTED] relayed these concerns and identified individuals that DAG Wilson should speak to regarding those concerns. DAG Wilson noted that he spoke with those individuals suggested by [REDACTED] as part of Brian's performance review. DAG Wilson performed a 360-degree performance review on Brian shortly after taking office. This was related to Brian's review in accordance with moving from probationary to permanent status as DA of the Division of Criminal Investigation (DCI). DAG Wilson met in-person with every Special Agent in Charge (SAC) in DCI. DAG Wilson did not speak to other leadership staff, such as other DAs, as part of Brian's performance review. DAG Wilson noted that an overwhelming majority of the SAC feedback about Brian was positive. DAG Wilson said after the positive review AG Kaul decided to move Brian to permanent status. DAG Wilson

addressed some of the concerns that were raised in the feedback from SACs directly with Brian and asked him do outreach with all the SACs to improve communication as well as instructed him to not hold social gatherings in his hotel room at conferences. DAG Wilson indicated that he was not made aware of any specific incidents of concern, besides a SAC relaying an issue with Brian's communication style in a specific instance. DAG Wilson stated that he did follow-up with [REDACTED] and relayed that Brian was going to be moved to permanent status.

DAG Wilson said he heard what he called one-off stories about Brian from his time during the prior administration as well as the current administration. DAG Wilson recalled hearing about an issue involving Brian [REDACTED] wanting to be in the [REDACTED] for a case from the [REDACTED] [REDACTED] [REDACTED]. [REDACTED] the request was inappropriate, and the dispute made its way to the former AG's desk for review. DAG Wilson said that [REDACTED] as an example of Brian trying to bully [REDACTED]. DAG Wilson did recall that [REDACTED] concerns about Brian's authoritarian leadership style. DAG Wilson did not recall hearing any separate specific complaints from [REDACTED] [REDACTED] [REDACTED] regarding Brian's past behavior. DAG Wilson noted that [REDACTED] did provide additional input on the concerns that [REDACTED] had raised. DAG Wilson recalled another issue regarding a request [REDACTED] Brian called [REDACTED] and relayed [REDACTED]

[REDACTED] DAG Wilson said this case was high-profile. DAG Wilson noted that the case is over [REDACTED] [REDACTED] [REDACTED]

DAG Wilson recalled that [REDACTED] cried when speaking about it but thought that was more related to the Communications Director's treatment of her on this issue than Brian. DAG Wilson verbally reprimanded Brian and [REDACTED] [REDACTED] DAG Wilson had a conversation with Brian regarding [REDACTED] communication moving forward. DAG Wilson stated that there was an additional issue that [REDACTED] [REDACTED] regarding [REDACTED] [REDACTED] and concerns regarding Brian's potential involvement in [REDACTED]. DAG Wilson noted that the [REDACTED] [REDACTED] is still being resolved.

DAG Wilson has addressed issues as needed with Brian. For example, DAG Wilson addressed an issue with Brian giving a television interview for a national news show with a verbal reprimand. DAG Wilson approved an investigation by human resources (HR) into allegations that Brian accepted a dinner while on a high-profile case. DAG Wilson made Brian remedy the situation by issuing a check to the restaurant for the meal. DAG Wilson could not recall whether anything was placed in Brian's file regarding the investigation into the dinner.

DAG Wilson said that Brian relayed a complaint of creating a hostile work environment against [REDACTED] [REDACTED], an African American female identifying individual, that was made by one of [REDACTED] employees, a white female identifying individual. DAG Wilson approved an investigation into the complaint. DAG Wilson noted that he had received similar complaints regarding [REDACTED] from other employees. The investigation resulted in no finding of misconduct against [REDACTED]. As part of the investigation, DAG Wilson became aware that Brian recorded [REDACTED] in the workplace without her knowledge, as did the employee who filed the complaint. DAG Wilson did not formally discipline Brian for this behavior [REDACTED]

████████████████████ met with Brian regarding this issue. At this meeting, DAG Wilson spoke to Brian about this conduct and directed that he is never to do that again. DAG Wilson noted that he held the meeting in his office rather than Brian's office, which is different than DAG Wilson's custom to meet with individuals in their office, in order to convey the importance of the conversation. DAG Wilson commented that Brian told him that ██████ is not ██████. DAG Wilson noted that ██████ and ██████ ██████, ██████ ██████ made allegations that Brian showed favoritism towards this employee, who is also the employee that filed a complaint against ██████. DAG Wilson said that since he took office, he was only aware of allegations that DCI gave this employee access to the ██████ Office. DAG Wilson had led an inquiry into this employee for potential procurement policy violations reported by ██████ and ██████. The result of this inquiry was that it was a performance management issue and not a misconduct issue. DAG Wilson indicated that ██████ was pressing for discipline and then in a meeting with Corey and DAG Wilson ██████ said she totally agreed that it was a management issue and that no discipline was necessary. DAG Wilson described ██████ as doing a complete 180-degree with her thoughts on this issue.

DAG Wilson indicated that there were subsequent issues with this same employee regarding working with the ██████ program and the ██████ program and being asked to assist with tasks by individuals outside of ██████. DAG Wilson said that ██████ was working on trying to get a handle on those requests and how that would coincide with the employee's job requirements in ██████. This employee was being called by Brian to go to things as well as a Chief that has contacted DAG Wilson to relay concerns about ██████. DAG Wilson indicated that the concern was that this employee was engaging in those activities or being asked to do tasks outside of ██████ without checking with her supervisor first. DAG Wilson stated that ██████ wanted her off the ██████ team. DAG Wilson communicated to ██████ and ██████ ██████ to not remove this employee from the ██████ team. DAG Wilson went on vacation and when he returned this employee was moved to a different bureau in ██████ and was removed from the ██████ team. ██████ suggested that her name be put in this employee's place on the DOJ website referencing the ██████ program in the interim. DAG Wilson had a meeting with that Chief, Brian, and ██████ in which that Chief indicated that he wanted that employee on the ██████ team. DAG Wilson turned to ██████ in the meeting and said do you have anything to add and ██████ responded ██████. DAG Wilson recalled having a conversation with a Chief that contacted him directly regarding concerns with ██████. DAG Wilson said that the Chief sent a somewhat cryptic email asking to speak with him directly, but he thought that it was regarding ██████. DAG Wilson spoke with that Chief after consulting with Chief of Staff (COS) Ashley Viste on the right approach to handle this request and it was determined that it was best if he met with this Chief alone. DAG Wilson stated that the conversation with the Chief mostly revolved around concerns with ██████'s ██████. DAG Wilsons stated that the Chief also commented that the employee that volunteered for ██████ can do whatever she wants on her own time. After the conversation, the Chief sent an email to ██████ saying that he spoke with DAG Wilson and cc'd DAG Wilson. After he saw the email, DAG Wilson happened to see ██████ in the hallway and told her that he spoke with the Chief and that he should have spoken to her first. DAG Wilson recalled ██████ responding, ██████. DAG Wilson assumes that ██████ would have preferred that he did not have that conversation with the Chief. After that, DAG Wilson received a text message from the Chief stating that DOJ cannot stop this employee from volunteering on her own time. DAG Wilson spoke with ██████ and suggested guidelines for this employee's work with the ██████ program. In that meeting, DAG Wilson recalled ██████ yelling at

him about this Chief not being able to tell them what to do and was not in favor of DAG Wilson's suggestion of setting guidelines. DAG Wilson said that [REDACTED] flip-flopped in the course of the day in the way to handle this issue. DAG Wilson stated that the Chief communicated that the employee could not be stopped from volunteering with [REDACTED] if she does it on her own time. DAG Wilson said that the Chief asked that DOJ not be associated with [REDACTED] moving forward. DAG Wilson sent an email asking [REDACTED] what they should do now. [REDACTED] sent an email saying that they need to set clear guidelines, which was what DAG Wilson had suggested in the meeting earlier that day. DAG Wilson is currently working with others to navigate this employee's volunteer hours and her work hours with the DOJ to establish guidelines.

DAG Wilson described his working relationship with [REDACTED] as friendly and a trusted colleague until he ordered the investigation into her employee's complaint against her. Since then, DAG Wilson said his relationship with [REDACTED] has been poor. DAG Wilson commented that his one-to-one meetings with [REDACTED], when they still occurred, were no more than ten or fifteen minutes. DAG Wilson noted that the [REDACTED] was dysfunctional in some ways before [REDACTED]. DAG Wilson is concerned with some aspects of [REDACTED]'s [REDACTED] which he described as targeting individuals she does not like and not tolerating dissent. DAG Wilson denied ever touching feet with [REDACTED] under a table or desk in any meeting they have had.

DAG Wilson asserted that [REDACTED] is upset when he has conversations with [REDACTED] employees without talking to her first. For example, DAG Wilson believes that [REDACTED] was upset with a meeting he had related to the hiring of [REDACTED]. DAG Wilson acknowledged that communication with [REDACTED] should have been better on this matter. DAG Wilson and Jayne Swingen, Director of HR, attended the meeting and [REDACTED] was not present or invited. DAG Wilson indicated that though [REDACTED] never said it, he thought [REDACTED] felt like she was undermined by his handling of this matter in that DAG Wilson held a meeting with [REDACTED] staff without her. At the time, the [REDACTED] was [REDACTED] and she was a [REDACTED]. DAG Wilson received a request from [REDACTED]'s former [REDACTED] inquiring as to whether DAG Wilson would be meeting with current staff in [REDACTED] as part of the recruitment process. DAG Wilson said that the meeting was requested by a current staff member of that bureau. DAG Wilson said that they have not held such a meeting in any other search processes; however, they have deviated from process and did an additional "second look" interview on a recent [REDACTED] internal hire. DAG Wilson said that in the meeting the staff gave veiled comments about what they were looking for in a leader that led DAG Wilson to [REDACTED]

[REDACTED] staff indicated that they felt that [REDACTED] "greased the wheels" so that someone with [REDACTED]'s qualifications could get the position. DAG Wilson said there was also feedback that the [REDACTED] should be [REDACTED]. DAG Wilson did not recall whether [REDACTED] knew about the meeting or whether [REDACTED] was given a chance to respond [REDACTED]. DAG Wilson said that the feedback about [REDACTED] halted the recruitment for the [REDACTED] position. DAG Wilson indicated that he went to [REDACTED] and discussed [REDACTED]. DAG Wilson stated that the decision was to cancel the recruitment for the [REDACTED] position and [REDACTED]. DAG Wilson does not recall any rehabilitation efforts for [REDACTED]. DAG Wilson wanted to help her find her own job as her position was [REDACTED]. DAG Wilson recalled concerns [REDACTED]'s [REDACTED] reported regarding a perception of favoritism of [REDACTED] by [REDACTED].

DAG Wilson did not recall [REDACTED] and [REDACTED] or [REDACTED] accusing him on a phone call of thinking that [REDACTED]. DAG Wilson did not recall [REDACTED] raising her voice at him on that phone call, which was part of the [REDACTED] conversation. DAG Wilson said he does not believe that he or anyone else raised their voice on this phone call.

DAG Wilson asserted that if he sees an issue then he will talk with someone and try to fix it. DAG Wilson said that [REDACTED] wants him to talk with her first before speaking with [REDACTED] employees. For example, DAG Wilson attended a meeting regarding a project related to the [REDACTED] [REDACTED] and there was a question as to using a bureau in [REDACTED] as a resource. DAG Wilson went directly from that meeting to speak to the related bureau director [REDACTED]. [REDACTED] was upset with DAG Wilson for going directly to the bureau director. DAG Wilson told [REDACTED] he would try and be mindful moving forward, but there are times that he needs to address issues without her. DAG Wilson relayed to [REDACTED] that it is a spectrum in that sometimes he will address issues with her first and others where he will not. At a subsequent meeting on this project, DAG Wilson described this same bureau director as being mean in discussing project options with an employee from another division. DAG Wilson recalled [REDACTED] being upset as she felt that DAG Wilson took sides and she preferred that DAG Wilson not attend meetings between [REDACTED] let them work it out. DAG Wilson stated that he admonished both employees in this meeting and tried to get them to see the other's perspective. DAG Wilson said that [REDACTED] was present at the meeting and when he did that, [REDACTED] appeared ready to leave through non-verbal cues and said something to the effect of alright we are done. DAG Wilson commented that [REDACTED]'s refusal to act collaboratively in this meeting was jarring. DAG Wilson brought up [REDACTED] bureau director's behavior in his next one-to-one meeting with [REDACTED]. DAG Wilson said that he told [REDACTED] that this was a side of this bureau director that he had not seen before and that he thought [REDACTED] was enabling this behavior. DAG Wilson did not raise his voice in that meeting. DAG Wilson did say something to the effect of that "this was too much drama." [REDACTED] asked if he said that she caused drama and DAG Wilson said, "no I didn't say that." DAG Wilson told [REDACTED] that she has to tell him what she is feeling that it is a trust issue, because he felt that what she said in the hallway wasn't true and that she was really upset that he met with the Chief. DAG Wilson said that he spoke with [REDACTED] directly about the need for her to be candid and honest about what she thinks to improve trust between them. DAG Wilson said that meeting lasted approximately ten minutes and is the last one-to-one he has had with her where it was just her and him.

DAG Wilson recalled Jayne reporting to him that [REDACTED] had an issue with her pay. DAG Wilson stated that [REDACTED] never directly reported to him a concern with her pay. DAG Wilson indicated that the timing of [REDACTED]'s concern was related to the hiring of the [REDACTED]. Jayne reported to DAG Wilson that [REDACTED] said something to the effect that they better not pay her more than me. DAG Wilson was not involved in setting [REDACTED]'s pay or setting pay for [REDACTED] state employee [REDACTED] or member of [REDACTED] pay in general. DAG Wilson indicated that COS Viste did ask him what they should pay the [REDACTED] and they discussed the previous individual in her role's salary with the proper government wage adjustment. DAG Wilson stated that there is no formal [REDACTED]. DAG Wilson noted that he asked Jayne to explore ways to potentially address [REDACTED]'s pay issue if an adjustment is deemed warranted by AG Kaul. DAG Wilson noted that AG Kaul and COS Viste make decisions regarding [REDACTED] pay. DAG Wilson remembered suggesting to COS Viste that she and AG Kaul speak with [REDACTED] about this issue. DAG Wilson commented that

██████████ also raised a concern regarding ██████'s pay and ████████████████████ related to nondiscrimination. DAG Wilson recalled that ██████████ also raised a concern about Brian O'Keefe, DCI DA, and alleged he harassed ████████████████████. DAG Wilson thanked ██████████ for raising the concerns and told her that they would address them. DAG Wilson said that ██████████ followed-up this conversation with an email on November 15, 2019, to which he responded that they would respond to the concerns appropriately.<sup>2</sup> DAG Wilson does not recall that ██████████ raised discrimination as part of her concern with her pay, but did suggest ████████████████████

DAG Wilson stated that ██████████ raised an issue regarding her ████████████████████ a white male identifying individual, ████████████████████. DAG Wilson said that he approved a formal investigation in this matter. DAG Wilson said the outcome was a letter of expectation and ██████████ was upset that the letter was not more severe and accusatory. DAG Wilson recalled that ██████████ was consulted on the language of the letter and that there was a lot of back and forth. DAG Wilson asserted that he ████████████████████ or forced her to do so. DAG Wilson commented that ██████████ had a dysfunctional relationship with ████████████████████ and that himself and COS Viste had tried to intervene to remedy it. DAG Wilson was working on finding a new role for ████████████████████ when this individual left the DOJ. DAG Wilson commented that there had been ongoing issues related to ██████████'s relationship with ████████████████████. ██████████ did not want this individual as ████████████████████ and was ostracizing him and flat out refusing to work with him.

DAG Wilson recalled an issue that ██████████ had with obtaining DOJ logo approval. DAG Wilson said there is no formal process for approval, but ████████████████████ ████████████████████ on many things, including logo requests. DAG Wilson said that logo requests go from ██████████ to the Communications Director. DAG Wilson stated that ██████████ complained about the length of time it took for ██████████ to get logo approval. DAG Wilson has not witnessed any behavior or seen any other evidence of discrimination based on race for any reason including getting logo approvals. DAG Wilson recalled a meeting being held regarding approval processes and ████████████████████. DAG Wilson was present at the meeting and did not think that ██████████ was berating or disrespectful to ██████████, but afterward he received an email from ████████████████████ about the treatment of ██████████ in this meeting by a '██████████'. DAG Wilson said that ████████████████████ ████████████████████. DAG Wilson described ██████████ as having a rigid view of ████████████████████. DAG Wilson said they are not reviewing logo documents for content per se but for Communications' approval. DAG Wilson that the Director of Communications handles all logo approvals.

DAG Wilson described his working relationship with ████████████████████, ████████████████████ as difficult. DAG Wilson said that ████████████████████, who is a white female identifying individual, has an extraordinary work ethic and puts out an excellent work product. DAG Wilson said that by and large his discussions regarding ████████████████████ with DAs is positive. DAG Wilson was aware that ████████████████████ has had conflicts with ██████████ over managing aspects of ████████████████████. DAG Wilson told ████████████████████ not to make any decisions impacting ██████████ without their approval. DAG Wilson recalled that ████████████████████ was very resistant to that directive and expressed that it was inefficient, as ██████████ was unresponsive. Early in his tenure, DAG Wilson suggested that ████████████████████ copy him on every email and alert him if ██████████ did not respond, so he could then follow-up. DAG Wilson stated that over time ████████████████████ was not happy with that solution and seems to perceive him as not supportive of

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<sup>2</sup> A copy of the November 15, 2019 email is attached hereto as Exhibit B.



her. In April 2019, [REDACTED] threatened to resign which coincided with [REDACTED] [REDACTED] [REDACTED] convinced [REDACTED] to stay. After this, [REDACTED] began to attend [REDACTED]'s meetings with DAG Wilson. DAG Wilson stated that [REDACTED] has walked out of meetings with him and [REDACTED]  
[REDACTED]

In late June 2019, DAG Wilson conducted a performance evaluation for [REDACTED]. DAG Wilson spoke with six or seven people in her [REDACTED] to get feedback on her [REDACTED]. DAG Wilson said that he met in-person with her [REDACTED] because [REDACTED]  
[REDACTED]

[REDACTED]<sup>3</sup> DAG Wilson said that he had COS Viste look over the review before presenting it to [REDACTED]. DAG Wilson said that [REDACTED] [REDACTED], but never raised a complaint about being treated differently than others in relation to her review. DAG Wilson also conducted performance reviews of [REDACTED] around the same time. DAG Wilson said he did not interview their staff as part of their review, because he wasn't concerned. [REDACTED]  
[REDACTED]

[REDACTED] DAG Wilson completed two performance reviews where he spoke with staff [REDACTED] [REDACTED] and Brian. DAG Wilson performed a 360-degree performance review on Brian shortly after taking office and met in-person with every SAC in DCI. DAG Wilson said that he believes in treating people equitably not necessarily equally depending on individual circumstances.

DAG Wilson indicated that he has attempted to remedy the relationship between [REDACTED] and [REDACTED]; however, his efforts are often seen by [REDACTED] as taking [REDACTED] side. DAG Wilson commented that [REDACTED] in that they have their own [REDACTED] person. [REDACTED] took over [REDACTED] during the previous administration. DAG Wilson approved [REDACTED] hiring a new [REDACTED] person after the last individual in that role left. DAG Wilson said that [REDACTED] does not want to meet with this new [REDACTED] individual. [REDACTED] only wants to meet one-on-one with the [REDACTED], [REDACTED], [REDACTED]. DAG Wilson said that he attended one of [REDACTED] and [REDACTED]'s regularly scheduled meetings and there was a discussion on [REDACTED]. DAG Wilson recalled that [REDACTED] was previously trying to get guidance from HR on managing [REDACTED]. DAG Wilson suggested that [REDACTED] and [REDACTED] meet with an HR representative to work on that issue. DAG Wilson said that [REDACTED] was not happy with that suggestion and she gathered her stuff, walked out, and slammed the door. DAG Wilson requested that COS Viste speak with [REDACTED] regarding her behavior at this meeting and document the conversation.

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<sup>3</sup> A copy of the June 27, 2019 review is attached hereto as Exhibit C.

DAG Wilson recalled that in the summer of 2019 [REDACTED] presented him with the resume of an individual that would have potentially been a good fit to help develop [REDACTED] scheduled for summer 2020. DAG Wilson gave [REDACTED] positive feedback about this individual. At another meeting, DAG Wilson inquired who found this individual and [REDACTED] was somewhat evasive and then acknowledged for the first time that she knew him from [REDACTED] where she had previously worked. DAG Wilson indicated that he commented to [REDACTED] that this individual looked like a good fit and sounds like a good idea. DAG Wilson said he did not hear anything further about this potential [REDACTED] hire until approximately late October 2019. In late October 2019, DAG Wilson stated that [REDACTED] said this individual was at DOJ and she wanted DAG Wilson to meet him. [REDACTED] introduced this individual to DAG Wilson and COS Viste. DAG Wilson recalled COS Viste saying something to the effect of "I think that was the interview" after [REDACTED] and this individual left. DAG Wilson indicated that [REDACTED] had orchestrated that the following Monday this individual would come in for new employee orientation, but did not tell anyone in HR. DAG Wilson had previously directed HR that they cannot have any "handshake [REDACTED] therefore, this individual could not start the orientation process until a background check and fingerprints were completed. [REDACTED] said that Monday was the only day this individual was available for months. DAG Wilson said that there was a long email chain going back and forth and his focus was that DOJ followed the HR rules.<sup>4</sup> DAG Wilson recalled [REDACTED] pointing out different guidance from an outdated policy regarding fingerprinting from a policy she found online and he indicated to Jayne to treat this individual the way that HR had been onboarding new employees. DAG Wilson assumed [REDACTED] was a part of this discussion as she was the previous [REDACTED] [REDACTED] reached out the morning of Friday, November 8, 2019 to see if this individual was good to come in for new employee orientation on the following Monday. DAG Wilson suggested that this individual come in for prints on Monday, but that the individual could not complete the new hire orientation at that time. DAG Wilson happened to run into [REDACTED] in the front office in the middle of the day. DAG Wilson asked [REDACTED] if this individual needed to start now and she said that it is fine if this individual started after the first of the year.

At their regular one-to-one meeting on Friday, November 8, 2019, [REDACTED] spoke with DAG Wilson about the new employee orientation being held the coming Monday. DAG Wilson said that on that Monday HR was moving to a new format for employee orientation. DAG Wilson said that [REDACTED] indicated that she had not been given an opportunity to provide any input on the [REDACTED] portion of the new training and wanted HR to not use the new training on Monday or any other bi-weekly trainings moving forward. DAG Wilson called Jayne that afternoon and relayed what [REDACTED] had told him, and Jayne was upset. Jayne told DAG Wilson that she had gotten input from [REDACTED] staff on the training. DAG Wilson asked Jayne to not use the new format for Monday and she agreed even though it was obvious to DAG Wilson that Jayne was upset and biting her tongue. DAG Wilson stated the conversation with Jayne was difficult for both of them and he was upset he had to tell her not to use the new format. DAG Wilson sent an email to [REDACTED] that relayed that Jayne complied with her request and suggested that [REDACTED] talk to Jayne to provide her input on the training.<sup>5</sup> [REDACTED]'s response to DAG Wilson contradicted his

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<sup>4</sup> A copy of the November 8, 2019 email trail is attached hereto as Exhibit D.

<sup>5</sup> A copy of the November 8, 2019 email trail is attached hereto as Exhibit E.

email recitation of [REDACTED] involvement in the training development and expressed why it was an inaccurate portrayal of the events.<sup>6</sup>

DAG Wilson recalled that minutes after hitting send on her email [REDACTED] barged into his office, raised her voice, pointed her finger, and said, “we just lost [the [REDACTED] individual for the [REDACTED] [REDACTED]” DAG Wilson was surprised as he thought they had worked out a solution. DAG Wilson said [REDACTED] was also upset at Jayne and said Jayne was inaccurate in her rendition of getting feedback from [REDACTED] on the training. DAG Wilson said that [REDACTED] began yelling about Jayne and said that he was mischaracterizing Jayne’s outreach to [REDACTED] in his email. DAG Wilson was upset as Jayne had gone out of her way to change the training and [REDACTED] was imputing bad faith to her colleague and had zero appreciation for Jayne agreeing to not use the new training on Monday. DAG Wilson admitted that he did yell back at [REDACTED]. DAG Wilson indicated that he may have said the word bulls—t, but not in a demeaning way. DAG Wilson stated that [REDACTED] brought up the potential [REDACTED] individual again and said that [REDACTED] was upset about losing this individual and how an issue had been handled with one of [REDACTED]’s employees. DAG Wilson indicated that if what [REDACTED] was saying was true then he was going to contact [REDACTED] and ask if she was upset. DAG Wilson said that the meeting devolved, and [REDACTED] was angry and left his office. DAG Wilson felt that when he got angry [REDACTED] appeared pleased with herself for pushing his buttons.

After [REDACTED] left, DAG Wilson called [REDACTED]. DAG Wilson asked [REDACTED] if she was upset about the [REDACTED] individual and [REDACTED] indicated that she had no issues. DAG Wilson asked her about the issue with her employee and [REDACTED] said something to the effect of do not pay attention to [REDACTED]. DAG Wilson characterized [REDACTED] as being dismissive about both issues on the phone call. DAG Wilson then went to [REDACTED]’s office and said he had spoken with [REDACTED]. DAG Wilson told [REDACTED] that he was not going to follow-up on the [REDACTED] individual, because [REDACTED] indicated it was a non-issue. DAG Wilson said he did not raise his voice, but that [REDACTED] shut the door. DAG Wilson characterized the conversation as not friendly. DAG Wilson asserted that he was in [REDACTED]’s office for approximately a minute and that they were standing. DAG Wilson recalled [REDACTED] saying something to the effect of just so you know [REDACTED] has hired a lawyer but did not indicate why. DAG Wilson left [REDACTED]’s office. DAG Wilson and [REDACTED] communicated a couple of times over email later that evening, as part of an ongoing email trail regarding hiring the [REDACTED] individual.<sup>7</sup> DAG Wilson made it clear that based on [REDACTED] not having an issue they would work towards a different solution on the [REDACTED] individuals’ onboarding.<sup>8</sup> On Monday, November 10, 2019, [REDACTED] sent a conciliatory email to Jayne and cc’d DAG Wilson.<sup>9</sup>

DAG Wilson indicated that when he yelled at [REDACTED], in response to her yelling at him, that was an anomaly. DAG Wilson indicated that regardless of [REDACTED]’s tone he felt it was inappropriate of him to react in that manner and has never acted that way before or since. DAG Wilson indicated that he apologized to COS Viste and AG Kaul for his actions as well as [REDACTED] [REDACTED] during the incident.

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<sup>6</sup> See Exhibit E.

<sup>7</sup> See Exhibit D.

<sup>8</sup> See Exhibit D.

<sup>9</sup> A copy of the November 10, 2019 email is attached hereto as Exhibit F.

DAG Wilson indicated that he apologized to ██████ for yelling at her the following week at a meeting with ██████, COS Viste, and himself. At this meeting, ██████ raised a concern regarding ██████'s pay and ██████ related to nondiscrimination. DAG Wilson recalled that ██████ also raised a concern about Brian O'Keefe, DCI DA, and alleged he harassed ██████ ██████, ██████. DAG Wilson thanked ██████ for raising the concerns and told her that they would address them. DAG Wilson said that ██████ followed-up this conversation with an email on November 15, 2019, to which he responded that they would respond to the concerns appropriately.<sup>10</sup>

DAG Wilson noted that DOJ has been working on drafting and updating a policy related to the payment of professional association membership fees for its employees. At this time, management has been directed to use their discretion in approving payment for professional association membership fees for their employees. DAG Wilson does not approve payment for professional association membership fees unless it happens to be one of his direct reports that made the purchase using a purchasing card. DAG Wilson has not directed or indicated to ██████ or any other individual at DOJ that they are required to pay for professional association membership fees out of their personal funds.

DAG Wilson asserted that he never used profane or abusive language, bullied, harassed, or was demeaning towards any employees. DAG Wilson denied discriminating against any individual based on protected class or perceived protected class in imposing workplace conditions. DAG Wilson denied discriminating against any individual based on protected class or perceived protected class in determining whether to investigate or to take human resources action against an employee regarding allegations of misconduct. DAG Wilson denied that he failed to act on reports of alleged misconduct and discrimination in the workplace and pay based on an employee's protected class or perceived protected class.

Credibility of DAG Wilson: DAG Wilson willingly and fully participated in the investigation process. DAG Wilson has a vested interest in the portrayal of the issues raised. Regardless of this interest, DAG Wilson appeared to be open and sincere in answering the investigators' questions and is found to be a credible witness.

**b. Brian O'Keefe**

Brian O'Keefe is the DCI DA. Brian was appointed to that position on May 1, 2017. Brian joined the Wisconsin DOJ in 2011 and previously served as the DLES DA. At the time he served as the DLES DA, he was responsible for overseeing the State crime labs. Subsequently, the State crime labs have been separated and elevated into its own division, DFS. Brian reports to DAG Eric Wilson.

Brian indicated that he gets along well with DAG Wilson. Brian said that he doesn't always agree with DAG Wilson views or decisions, but DAG Wilson is always receptive to his viewpoint and Brian always respects his authority to make decisions as his boss. Brian has been in a lot of meetings with DAG Wilson and has not witnessed DAG Wilson lose his temper or raise his voice. Brian stated that he has been in meetings where DAG Wilson has been agitated, but DAG

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<sup>10</sup> See Exhibit B.

Wilson has always been professional. Brian said he has not witnessed DAG Wilson treat female identifying and male identifying individuals differently. Brian said DAG Wilson handles conflicts of opinion in meetings professionally. Brian recalled attending a meeting where he witnessed ██████ ██████ shush DAG Wilson when he was talking. Brian said that DAG Wilson let it go and did not address it in the meeting. Brian indicated that his employees have reported that ██████ has shushed DAG Wilson in meetings as well and that she has exhibited disrespectful behavior.

Credibility of Brian O’Keefe: Brian willingly and fully participated in the investigation process. Brian has a vested interest in the portrayal of some aspects of the issues raised as there is an additional investigation in which he is the Respondent. Regardless of this interest, Brian appeared to be open and sincere in answering the investigators’ questions and is found to be a credible witness.

**c. Jayne Swingen**

Jayne Swingen became the HR Director for the Wisconsin DOJ in June 2015. After the election of AG Josh Kaul, she initially reported to DAG Wilson until Erika Monroe-Kane was hired in approximately November 2019 as the new DMS DA.

Jayne described her working relationship with DAG Wilson as excellent. Jayne noted that DAG Wilson encourages her, is supportive of her in her work, and compliments her work. Jayne said DAG Wilson likes to talk to everyone in person. For example, Jayne said if there is an issue in Milwaukee DAG Wilson will drive there and talk to individuals in person. Jayne observed that DAG Wilson likes to go to peoples’ offices to talk to them and said essentially if he needs something he stops by. Jayne commented that DAG Wilson will talk to several individuals to bounce ideas off them when making decisions and works collaboratively. When Jayne reported to DAG Wilson, she had weekly meetings with DAG Wilson. Jayne recalled one or two situations where DAG Wilson was frustrated and there was a small change in his voice, but she never heard him raise his voice. Jayne does not recall any instances where she has observed DAG Wilson treating male identifying or female identifying individuals differently in the workplace.

Jayne stated that ██████ ██████ made her aware of issues that ██████ had working DAG Wilson. ██████ indicated to Jayne that she feels that DAG Wilson is the ██████ in relation to his interactions with ██████ division. ██████ also reported that DAG Wilson and ██████ do not communicate well with each other and would yell at each other in meetings. Jayne has been in meetings with DAG Wilson and ██████. Jayne said that there were times that ██████ would not talk in the meetings, but then after would reach out to Jayne and would complain and be mad for days at DAG Wilson. Jayne recalls ██████ starting this in approximately June 2019.

Jayne recalled that ██████ was investigated at DAG Wilson’s direction after a complaint was relayed from Brian O’Keefe, DCI DA, regarding ██████’s treatment of one of ██████ employees. Jayne said that the investigation resulted in a finding that no misconduct occurred. This employee was previously reported by ██████ for potentially violating procurement policies. To the best of Jayne’s recollection, Corey, Jayne, DAG Wilson, ██████ ██████, and ██████ went through the materials that ██████ put together regarding the potential procurement policy violations. Jayne stated that an HR Specialist and ██████ ██████ were assigned to review the matter. Jayne said the two primary

individuals assigned as well as the attorneys, supervisors, and DAG Wilson determined that it was a performance issue. [REDACTED] was also upset by this employee's interactions [REDACTED] and alleged that Brian showed favoritism to this employee. Jayne said there was no HR action taken regarding the allegation of favoritism. Jayne recalled [REDACTED] requesting that this employee be reassigned.

Jayne stated there was another investigation of an employee in [REDACTED] division regarding allegations of improper [REDACTED]. Jayne said that [REDACTED] wanted him reassigned as well as she felt that this employee was not aligned with her but was aligned with Brian. Jayne said that DAG Wilson authorized an investigation into these improper [REDACTED] allegations. Jayne noted that [REDACTED]. Jayne said that this employee received a letter of expectation in his file and that there were disagreements with [REDACTED] over [REDACTED]. Jayne said that [REDACTED] did not agree with the language in the letter and felt it should have been stronger. Jayne said DAG Wilson made it clear that he only wanted to look at the [REDACTED] issue from January 2019 forward.

It is alleged that [REDACTED] was treated differently by HR than Brian, a white male identifying individual. Essentially that multiple issues of alleged workplace misconduct were reported against Brian and HR did not investigate the allegations. For example, there were reports of alleged issues related to payment for a dinner, the recording of [REDACTED] without her knowledge in the workplace, and certain behavior at conferences. Jayne stated that DAG Wilson addressed and handled the issues reported regarding Brian recording [REDACTED] without her knowledge in the workplace and his behavior at conferences. Jayne recalled that DAG Wilson authorized an investigation into allegations that Brian accepted payment for a dinner that he should not have. Jayne noted that the result of that investigation was that Brian had to pay for the dinner. Jayne stated that there is not a workplace policy that prohibits recording in the workplace. Jayne stated that she is aware that [REDACTED] relayed concerns about some of Brian's workplace behavior to DAG Wilson. Jayne also stated that DAG Wilson did a 360-degree performance evaluation of Brian shortly after the administration took over.

Jayne posited that those alleged issues and any others involving any employees were relayed to DAG Wilson. Jayne asserted that DAG Wilson then determined how those issues were handled as well as any corresponding HR action and that she did not have the authority to undertake any actions on her own. Jayne indicated that she followed the direction of DAG Wilson as to whether to investigate a complaint. Jayne said that only if she received the go ahead from DAG Wilson would she proceed with an investigation. Jayne stated that she relayed all complaints and issues to DAG Wilson or COS Viste and addressed them per DAG Wilson's direction. Jayne reiterated that she did not have the ability to determine employee discipline and that DAG Wilson decides all employee disciplinary action.

Jayne averred that there is no formal process outlining the decision-making process or the steps for determining when an investigation or a disciplinary process should or should not occur. Jayne stated that she presents the employee issue or reported misconduct to DAG Wilson and sometimes COS Viste and then DAG Wilson decides on next steps. Jayne indicated that this was done verbally at their regular weekly meeting or an additional scheduled meeting if necessary. Jayne asserted that she could move forward only after a decision from DAG Wilson, which often included a meeting with DAG Wilson and Corey. Jayne outlined the process as follows: a

complaint/report comes in and she calls DAG Wilson, DAG Wilson will decide next steps on the telephone call or Jayne will present the complaint/report at a meeting or there may be a combination of phone calls and meetings. The meeting may include HR representatives and the employee's direct supervisor as well as DAG Wilson and Jayne. Jayne noted that DAG Wilson may also hold a separate meeting to talk through the decision to proceed with an investigation.

Jayne attended a meeting with DAG Wilson regarding the position of [REDACTED]. At the time, the [REDACTED] was [REDACTED]. Jayne noted that they were in the process of interviewing for the position of the [REDACTED] when she received an email forwarded from DAG Wilson that had a request for a [REDACTED] staff meeting on potential candidates.<sup>11</sup> Jayne responded on the same day asking DAG Wilson if he was interested in pursuing a meeting with those staff members and DAG Wilson responded in the affirmative.<sup>12</sup> Jayne then requested another member of HR to set-up the meeting. The meeting was set with the [REDACTED] staff on March 11, 2019 with DAG Wilson and Jayne. Jayne said that [REDACTED] had her second interview for the [REDACTED] position the morning of the March 11, 2019 meeting. [REDACTED] was not invited to the March 11, 2019 meeting.<sup>13</sup> Jayne had no specific recollection as to why [REDACTED] was not invited to the meeting. Jayne stated that such a meeting was not part of their regular hiring practice. Jayne does not recall that such a meeting has been held in any other hiring situation. Jayne commented that the intent was not to have the meeting be about [REDACTED], but to have a discussion as to whether the individual in that position needed to have a [REDACTED] background.

Jayne recalled the March 11, 2019 meeting with the [REDACTED] staff starting with a discussion about the position and the job announcement. Jayne said that after the first half hour it turned into a negative discussion about [REDACTED]. Jayne indicated that more than one staff member spoke negatively about [REDACTED]. Jayne stated that at some point DAG Wilson left. Jayne stated that the meeting did return to a discussion about the position. Jayne commented that she believes the meeting did influence the [REDACTED] as they cancelled the recruitment for the [REDACTED] position. Jayne does not recall anyone following up with [REDACTED] about what was said in the meeting or [REDACTED] having the chance to respond to what was said about her in the meeting. Jayne stated that the intent of the meeting was to discuss the position and division structure not to discuss [REDACTED]'s performance [REDACTED], which is why there was no follow-up discussions with [REDACTED] about the feedback that they received. Jayne is not aware of any actions that were taken to rehab [REDACTED] in that [REDACTED] role until the [REDACTED] went through its process. Jayne does not recall that anyone met with [REDACTED] to follow-up with her about the feedback regarding [REDACTED] in that meeting. Jayne indicated that she was not aware of any allegation of [REDACTED] between [REDACTED] and [REDACTED] but noted that they are friends. Jayne stated that [REDACTED]'s [REDACTED] told her they were friends. [REDACTED] did have to [REDACTED] but she was able to keep her same rate of pay and most of her annual adjustment.

Jayne noted that [REDACTED] repeatedly raised an issue with her pay to Jayne but did not verbally allege discrimination regarding her pay until approximately November 2019. Jayne indicated that there

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<sup>11</sup> A copy of the training and standards email trail is attached hereto as Exhibit G.

<sup>12</sup> See Exhibit G.

<sup>13</sup> A copy of the March 11, 2019 meeting invite is attached hereto as Exhibit H.

is no formal State process for equity reviews of [REDACTED] employee salaries. Jayne said that [REDACTED] had been raising an issue with her pay since her [REDACTED] in January 2019. [REDACTED] spoke with Jayne via telephone as she was [REDACTED] with AG Kaul. Jayne stated that she was not consulted by AG Kaul or any member of the [REDACTED] leadership on pay ranges or salaries for any of the [REDACTED] state employee [REDACTED] at the beginning of this administration.

According to her recollection, [REDACTED] raised the pay issue again in late summer or early fall and said it was discrimination in approximately early November 2019. In October 2019, Jayne relayed [REDACTED]'s concerns in a meeting with COS Viste regarding the potential pay range for the [REDACTED]. Jayne indicated that she was not consulted by AG Kaul or any member of the [REDACTED] leadership team regarding the salary for the [REDACTED]. Shortly thereafter, Jayne contacted DPM to identify possible solutions to raise the pay of [REDACTED] in the bounds of the State pay process. Jayne asserted that she relayed to DAG Wilson that [REDACTED] specifically raised the issue of discrimination regarding her pay after the November 4, 2019 [REDACTED] Meeting. Jayne commented that at this time she was still reporting to DAG Wilson. Jayne said that there were several discussions regarding potential ways that this could be remedied. Jayne stated that there was no discussion about whether the matter should be investigated as a complaint of discrimination, instead the focus was on mediation and remediation. [REDACTED]

[REDACTED]. Jayne recalled [REDACTED] making comments that they better not be paying the [REDACTED] more than her and referenced her level of experience. Jayne discussed the pay discrepancy with COS Viste, AG Kaul, DAG Wilson, and Corey. Jayne stated that she went over options with AG Kaul and suggested that the administration meet with [REDACTED] on this issue. Jayne indicated that AG Kaul and COS Viste met with [REDACTED] regarding her pay. Jayne provided handwritten notes from her meetings with DAG Wilson that indicated topics that were covered in their meetings.<sup>14</sup> [REDACTED]

[REDACTED] Jayne brought up the concerns that were raised regarding treatment of a female identifying [REDACTED] by a male identifying [REDACTED] at her next weekly meeting with DAG Wilson. Jayne noted that she raised [REDACTED]'s complaint regarding her pay earlier in October 2019 at a meeting COS Viste. This matter is still under review.

Credibility of Jayne Swingen: Jayne was honest, forthcoming, and sincere in answering the investigators' questions and providing requesting or supporting materials. Jayne has a vested interest in the portrayal of the issues raised as there is an additional investigation in which she is the Respondent. Regardless of this interest, Jayne is found to be a credible witness.

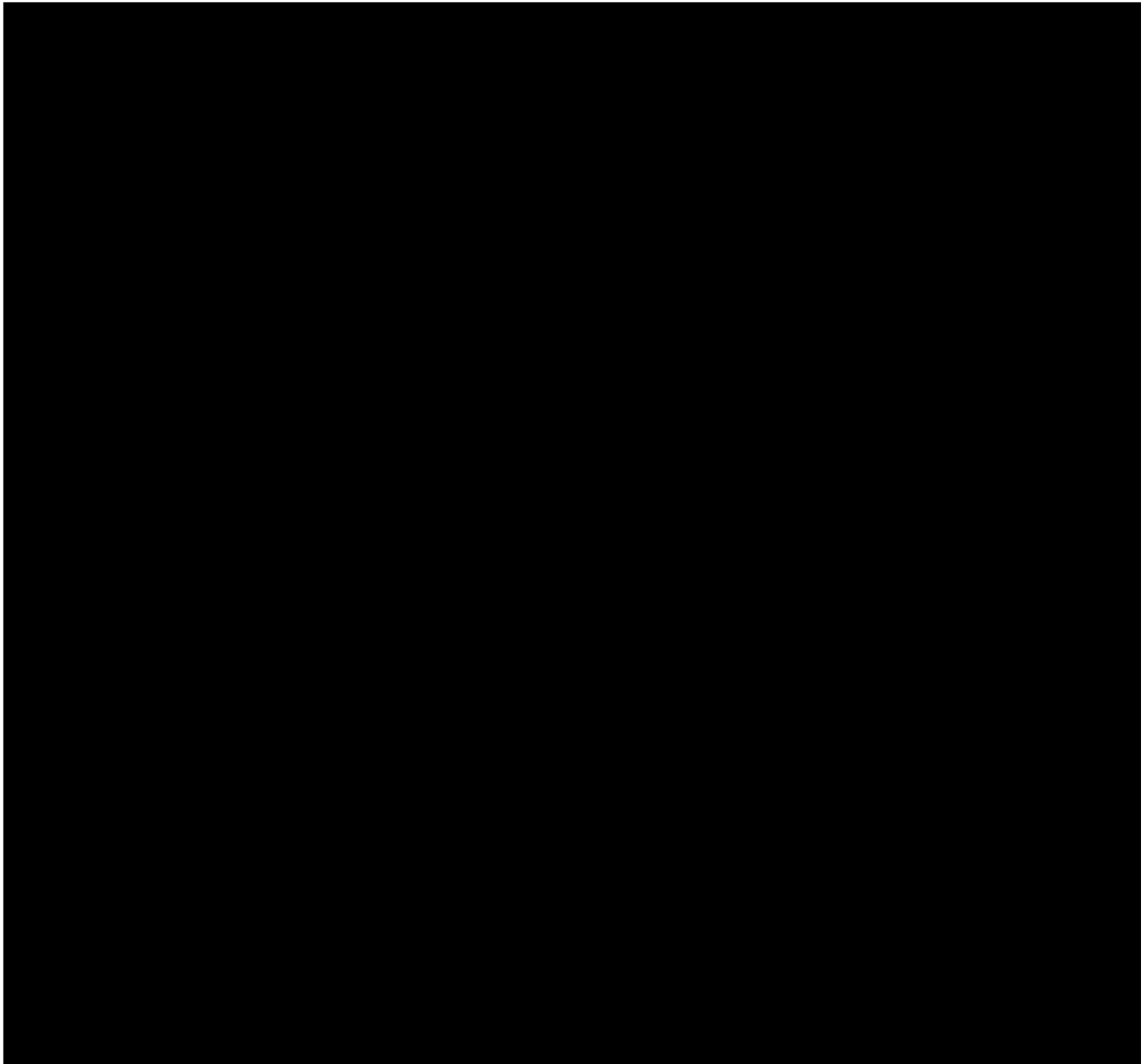
d. [REDACTED] [REDACTED]

[REDACTED]

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<sup>14</sup> Copies of Jayne's meeting notes are attached hereto as Exhibit I.





██████████ DAG Wilson as berating ██████████ in communications, condescending in emails, and undermining ██████████. ██████████ DAG Wilson micro-manages ██████████. ██████████ DAG Wilson acts as an ██████████ of ██████████ and that he has no respect ██████████. ██████████ DAG Wilson treats ██████████ differently than other white female identifying ██████████ and white male identifying ██████████.

██████████ was asked questions about ██████████ Brian O'Keefe. ██████████ AG Kaul and COS Viste ██████████ understanding that the DOJ was going to review the matter. ██████████ AG Kaul and COS Viste that Brian did not respect her personally or professionally. ██████████ gave specific names of people to speak to and she believes that DAG Wilson did contact them, but she was concerned that people would be reluctant to participate and be concerned that their names would be released. ██████████ was not sure if an investigation of Brian was completed or if there was a report. It is her understanding that Brian was on probation at the time and a decision needed to be made regarding transferring him from probationary to permanent status. ██████████ indicated that she thought an investigation should be done. ██████████ asserts that Jayne was aware of alleged issues with Brian's

behavior from the previous administration. [REDACTED] recalled the prior AG asking questions when Brian was hired from DLES to DCI. [REDACTED] was told by DAG Wilson that a decision had been made, which was supported by AG Kaul, that Brian would be staying. [REDACTED] made it clear that any issue she raised regarding Brian was related to behavior in the workplace and was not personal.

In March 2019, [REDACTED] was placed under investigation due to a complaint from Brian [REDACTED] was harassing one of [REDACTED] employees, who is a good friend of his. [REDACTED] indicated that there were issues of potential favoritism regarding Brian and this employee. For example, Brian let this employee park in his parking space, this employee accompanied him to a [REDACTED] [REDACTED] gave her access to the [REDACTED] and this employee was at a meeting for the [REDACTED] program outside of her job duties. [REDACTED] [REDACTED] favoritism issue partly in response to the HR action that was taken against her. DAG Wilson and HR did not hesitate to put her under investigation based on the report of [REDACTED] was not given a notice of investigation and was not provided with a report at the conclusion of the investigation. [REDACTED] that Brian recorded conversations he had with [REDACTED] without her knowledge that became part of the investigation. There was no finding against [REDACTED] in this matter. [REDACTED] is not aware of any disciplinary action taken against Brian for recording her without her knowledge in the workplace. [REDACTED] this employee participates in the [REDACTED] program which led to some issues regarding time, pay, and understanding of the interplay between DOJ and [REDACTED]. [REDACTED]'s understanding is that Brian set-up this opportunity [REDACTED] stated that DAG Wilson and Brian were having conversations with that [REDACTED]

[REDACTED] knowledge. [REDACTED] stated that even though there was no finding, DAG Wilson has not included [REDACTED] in matters involving that employee even though [REDACTED]. [REDACTED] said that DAG Wilson has indicated that [REDACTED] is not allowed to participate in matters regarding this employee, because there was a harassment complaint. [REDACTED] indicated that she doesn't feel supported by DAG Wilson when she raises a concern about Brian, because DAG Wilson likes Brian and feels that that impacts his response to her.

[REDACTED] there have been no inquiries or actions taken regarding Brian's potential favoritism towards one of [REDACTED] employees in [REDACTED], who is the employee that filed the complaint against [REDACTED] and is Brian's friend. [REDACTED] [REDACTED] there were similar complaints against [REDACTED] alleging favoritism with one [REDACTED] employees [REDACTED]. In response, DAG Wilson and HR took actions that attempted to remove [REDACTED] [REDACTED] or have [REDACTED] [REDACTED] DAG Wilson alleged that there was an [REDACTED] [REDACTED] also indicated that [REDACTED] alleged that [REDACTED] was showing favoritism to [REDACTED]. [REDACTED] has never had [REDACTED] [REDACTED] was treated differently than Brian by HR and DAG Wilson in response to allegations of favoritism in attempting to remove [REDACTED] ability to have [REDACTED] [REDACTED] her. [REDACTED] noted that [REDACTED] currently [REDACTED] her.

[REDACTED] was the [REDACTED] [REDACTED] noted that when she became the [REDACTED] [REDACTED]'s staff were not reporting to her. [REDACTED] spoke with the [REDACTED] who indicated that [REDACTED]

is the way that the prior administration wanted it. [REDACTED] reviewed [REDACTED]'s performance and [REDACTED]. At one point, DOJ was going to hire a [REDACTED] [REDACTED] applied for this position. [REDACTED] stated that DAG Wilson and Jayne met with members of [REDACTED]'s bureau. [REDACTED] was not invited to this meeting and did not know it was taking place. [REDACTED] [REDACTED] asking why this meeting happened and why [REDACTED] staff are now reporting to the [REDACTED] and not [REDACTED]. [REDACTED] said that [REDACTED] found out about the meeting, because one of [REDACTED]'s employees told her. [REDACTED] [REDACTED] relayed to her that DAG Wilson said that [REDACTED] cannot report to [REDACTED]. [REDACTED] said that [REDACTED] [REDACTED] and [REDACTED] stated that [REDACTED] and DAG Wilson decided that [REDACTED] was going to report to [REDACTED] [REDACTED]. [REDACTED] recalled Jayne saying that they were going to have a meeting about [REDACTED]. A meeting was held with [REDACTED], DAG Wilson, Jayne, [REDACTED], and another member of HR. In this meeting, [REDACTED] asked DAG Wilson about having the meeting with [REDACTED]'s staff without her knowledge. [REDACTED] said DAG Wilson did not say a word to that but did relay that [REDACTED]'s [REDACTED] said that DAG Wilson

In the fall of 2019, an investigation began into [REDACTED]. This individual is no longer employed by the DOJ. The issue involved improper [REDACTED] [REDACTED] indicated that HR was concerned with how the [REDACTED] was [REDACTED] [REDACTED]. [REDACTED] was not involved with the steps of the investigation. [REDACTED] [REDACTED] this investigation was ran by DAG Wilson and that Corey Finkelmeyer was involved. [REDACTED] indicated that she felt she had to [REDACTED]

[REDACTED] reassigned prior to the investigation and had made suggestions for different projects that this individual could work on. DAG Wilson made it clear that this individual was [REDACTED] DAG Wilson tried to mediate the issues [REDACTED] was having with [REDACTED] said in one of those meetings DAG Wilson pointed his finger at her and said something to the effect of [REDACTED] [REDACTED] did not feel supported by DAG Wilson regarding her concerns. For example, [REDACTED] spoke with DAG Wilson about this individual signing off [REDACTED]

[REDACTED] countered that this individual did not sign things for the previous [REDACTED] believes that DAG Wilson was having meetings with [REDACTED] stated that [REDACTED] was

[REDACTED]

[REDACTED] noted that DAG Wilson told her that she had to pay for her own [REDACTED]. [REDACTED] said that she is treated differently than [REDACTED] a white male identifying individual, and [REDACTED], a white male identifying individual, in this regard. [REDACTED] provided a series of emails regarding the DOJ policy on [REDACTED].<sup>15</sup> In an email dated December 17, 2019, DAG Wilson indicated holding off on finalizing a policy on [REDACTED] and indicated use of best judgement with regard to having DOJ [REDACTED] also included a copy purchases for [REDACTED].

[REDACTED] noted that DAG Wilson is often involved in the day-to-day management of [REDACTED] related to federal grant approvals in [REDACTED]. This work is handled by an individual in [REDACTED]. This individual reports to [REDACTED]. [REDACTED] described [REDACTED]'s role as legal counsel to [REDACTED]. [REDACTED] serves as a mentor role for [REDACTED]. [REDACTED] said that there was an issue and DAG Wilson went directly to [REDACTED] employee. [REDACTED] found out and reported back to [REDACTED]. [REDACTED] stated that she had no idea that DAG Wilson was meeting directly with an individual in [REDACTED] to address an issue. [REDACTED] said DAG Wilson does this and then does not circle back with her on these issues and so she has no idea about what is going on or the reasons he is meeting with [REDACTED] employees. [REDACTED] indicated that this impacts her relationships with [REDACTED] employees.

[REDACTED] recalls an incident regarding the office [REDACTED]. [REDACTED] asserted that DAG Wilson was having conversations with an employee in [REDACTED] regarding the office [REDACTED]. This employee followed-up with [REDACTED] thinking that she was aware of the conversations he was having with DAG Wilson, and she had no idea as DAG Wilson did not communicate with her. [REDACTED] said that this resulted in the impression by [REDACTED] that [REDACTED] was not willing to help. This became apparent at a meeting involving members [REDACTED] DAG Wilson, herself, and an employee from another area. [REDACTED] stated that DAG Wilson ended the meeting. [REDACTED]

<sup>15</sup> A copy of the email trail is attached as Exhibit J.

<sup>16</sup> See Exhibit J.

<sup>17</sup> A copy of the spreadsheet is attached hereto as Exhibit K.

<sup>18</sup> See Exhibit K.

<sup>19</sup> See Exhibit K.

apologized to [REDACTED] staff. After the meeting, DAG Wilson met with [REDACTED]. [REDACTED] said that when DAG Wilson wants to talk with [REDACTED] it is not a conversation. [REDACTED] said DAG Wilson was upset with this employees' behavior and [REDACTED] responded that [REDACTED] employee has a right to share his concerns. [REDACTED] said they argued for over an hour. In this meeting, DAG Wilson told her that [REDACTED] [REDACTED] said that DAG Wilson has yelled at her. [REDACTED] is not bothered by the yelling as much as what he is saying or how he handles issues. For example, [REDACTED]'s staff wrote a letter that she revised and sent to DAG Wilson for approval. [REDACTED] [REDACTED]

[REDACTED]

Wilson. [REDACTED] alleged at times DAG Wilson will tap her feet under the table. [REDACTED] interprets this to be a power move or gesture of dominance.

[REDACTED] decided to [REDACTED] an employee into the [REDACTED] There had been discussion about [REDACTED]. There were also performance issues that had been addressed with this employee. [REDACTED] acknowledged that there is also history of a complaint filed by this employee against [REDACTED] that resulted in no finding. COS Viste, [REDACTED] Corey, and Jayne had a meeting to discuss [REDACTED] this employee to [REDACTED]. [REDACTED] said it was a collective decision by that group to [REDACTED] this employee into the [REDACTED]. [REDACTED] DAG Wilson returned from vacation and blew up [REDACTED]. [REDACTED] told DAG Wilson that they had a meeting in HR [REDACTED]

[REDACTED]

Wilson is still upset about it to this day. [REDACTED] noted that DAG Wilson was not communicating with her about issues involving this employee.

[REDACTED] recalled an incident with the behavior of one of [REDACTED] employees at a [REDACTED] conference. [REDACTED] [REDACTED] DAG Wilson told her that she could not and that she had to write [REDACTED]. [REDACTED] believes that she is treated differently than other [REDACTED] in this regard. [REDACTED] stated that DAG Wilson does not get as involved with [REDACTED] management to that level.

[REDACTED] DAG Wilson has had conversations outside of DOJ with a Chief regarding the [REDACTED] program. This is an outside program that had support from DOJ and the relationship was handled under [REDACTED] had conversations about supporting the program through a permanent [REDACTED]

[REDACTED] to be treated as a volunteer group and was not interested in assigning a permanent person. A [REDACTED] employee had been working with the [REDACTED] team and there were conversations about her continued involvement. [REDACTED] [REDACTED] unaware that DAG Wilson was also having conversations with the Chief. [REDACTED] [REDACTED] DAG Wilson was not communicating with her and was [REDACTED]

[REDACTED] DAG Wilson was having conversations with this Chief when [REDACTED] emailed [REDACTED] and told her [REDACTED]

negatively impacts her relationship [REDACTED] as he can “walk that around to [REDACTED]” [REDACTED] stated that while they were trying to figure out what to do, she indicated that her name could be on the website section referencing the [REDACTED] program. [REDACTED] said the result was that the [REDACTED] program is no longer affiliated with the DOJ.

[REDACTED] witnessed DAG Wilson in a disagreement with [REDACTED] [REDACTED]. [REDACTED] recalled an incident involving DAG Wilson and [REDACTED] [REDACTED] in which she had [REDACTED] screaming in one phone and DAG Wilson screaming in another phone. The issue had to do with an [REDACTED] position with the [REDACTED] [REDACTED] to let it go. DAG Wilson wanted to know if she was upset, as [REDACTED] had alleged. [REDACTED] wanted this individual but didn't want to engage. [REDACTED] told DAG Wilson that she wasn't upset and told him to call [REDACTED]. [REDACTED] stated [REDACTED] is paying for the [REDACTED] was the [REDACTED] [REDACTED] indicated that he wanted to be part of the conversation. [REDACTED] a dedicated person to run the [REDACTED] from [REDACTED] and DAG Wilson was initially supportive. [REDACTED] had to let it go as DAG Wilson began supporting Brian in leading this project not [REDACTED]. Now, [REDACTED]'s [REDACTED] is paying for the [REDACTED] but [REDACTED] [REDACTED]'s supervision are running it with the support of DAG Wilson.

[REDACTED] alleges that DAG Wilson's behavior has resulted in a lack of respect for her internally. [REDACTED] commented that it once took thirteen days for her to get approval for DOJ [REDACTED], but that is not the case for [REDACTED] white identifying colleagues. [REDACTED] [REDACTED] DAG Wilson and a meeting was held that included [REDACTED] [REDACTED], who is the [REDACTED] [REDACTED] [REDACTED] said that [REDACTED] indicated in this meeting that [REDACTED]'s [REDACTED] was incompetent. [REDACTED] [REDACTED] DAG Wilson did not respond to [REDACTED]'s behavior. [REDACTED] the new [REDACTED] is behaving similarly to DAG Wilson. [REDACTED] [REDACTED] the new [REDACTED] is contacting [REDACTED] employees without talking to her. [REDACTED] [REDACTED] contacted a member of [REDACTED] and then followed-up with [REDACTED] after the fact. [REDACTED] had no idea that the [REDACTED] was meeting with a member of [REDACTED] staff. [REDACTED] then reached out to this individual to make sure everything was ok. [REDACTED] this makes her job extraordinarily difficult.

[REDACTED] [REDACTED] [REDACTED] [REDACTED] said that at times adjustments were made for what was needed in the press memo on [REDACTED] [REDACTED] did not make any factual changes or acronym changes without having numerous collaborative conversations with leadership and the prior administration. [REDACTED] commented that any changes made were related to how it was read in the press memo not the facts. [REDACTED] noted that when [REDACTED] she was also tasked with attending [REDACTED] meetings and reviewing [REDACTED] correspondence from citizens. [REDACTED] noted that the meetings were driven by her. [REDACTED] said that while she may have missed a few meetings, she did attend the meetings and communicated if she was not going to attend. [REDACTED] said she responded to citizen inquiries and at times there were standard responses, but that each inquiry was handled individually.

Credibility of [REDACTED] [REDACTED]: [REDACTED] [REDACTED] willingly and fully participated in the investigation process. Through interviewing other witnesses, there were challenges to [REDACTED]'s veracity. [REDACTED] denied or responded to aspects of witness interviews that challenged her truthfulness. When [REDACTED] was asked about specific events, she often corroborated other witnesses' recitations of events and supported her version with additional facts. [REDACTED] gave short concise answers and did not evade any

questions that were asked of her and appeared to be open and sincere in answering the investigators' questions and is found to be a credible witness.

e. [REDACTED]

[REDACTED]

[REDACTED]

early, so [REDACTED] wasn't able to get through her [REDACTED] [REDACTED] described DAG Wilson as often being checked out or contemptuous in those meetings. [REDACTED]

[REDACTED]

[REDACTED] asserted that DAG Wilson treats her differently than he treats others. In [REDACTED],

[REDACTED]

connect it. [REDACTED] asserted that DAG Wilson did not give her any examples. [REDACTED] purports that this comment was expressed to DAG Wilson by Brian O'Keefe. [REDACTED] [REDACTED] you are either one of Brian's cronies or you are not, and she is not. [REDACTED] [REDACTED] Brian has made remarks about [REDACTED] making inappropriate decisions that are outside of her lane. [REDACTED] [REDACTED] may have received a performance review because she brings up issues and faces blow back from DAG Wilson. [REDACTED] indicated that DAG Wilson has yelled at her and disparaged

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<sup>20</sup> See Exhibit C.

██████████'s knowledge, DAG Wilson did not do a 360-degree in-depth performance review that included interviews with ██████████

██████████ DAG Wilson yelled at ██████████ about ██████████ being upset with ██████████ ██████████ walked out of the meeting. ██████████ stated that when DAG Wilson gets angry his tone is tight, contemptuous, and he clenches his fists. ██████████ ██████████ cannot reasonably deal with issues involving ██████████ because DAG Wilson ██████████ becomes punitive. ██████████ commented that when she tries to talk to him about basic ██████████ DAG Wilson gets emotional and acts as though she is attacking ██████████ which makes it difficult to move forward.

██████████ asserted that DAG Wilson has not helped her relationship ██████████. For example, shortly after ██████████ started there was an issue regarding ██████████ ██████████ had worked with ██████████ when he was the ██████████ ██████████ said they worked well together on a ██████████ project. ██████████ stated that the day-to-day ██████████ items were not getting done and she knew that ██████████ ██████████ DAG Wilson told her to document the issues and he sent all the pending items ██████████. ██████████ said that DAG Wilson made ██████████ look like the bad guy and Brian was furious.



[REDACTED]

[REDACTED] recalled DAG Wilson not being happy with Brian, but DAG Wilson indicating that it was her failure as she should have pointed that out to Brian in the meeting. [REDACTED] sent DAG Wilson a follow-up email explaining [REDACTED] Brian in the meeting.<sup>21</sup>

In November 2019, [REDACTED] there was an incident with DAG Wilson over the hiring of an [REDACTED] position for the [REDACTED] [REDACTED] contacted [REDACTED] [REDACTED] about an individual [REDACTED] [REDACTED] person to run [REDACTED] that was being run by [REDACTED] [REDACTED] said that [REDACTED] had been working on [REDACTED] when she was still in [REDACTED] and stayed involved when she moved to [REDACTED]. [REDACTED] [REDACTED] had gotten approval to bring on an [REDACTED] from DAG Wilson. At [REDACTED]'s request, [REDACTED] [REDACTED] [REDACTED] three names of highly qualified individuals and [REDACTED] gave [REDACTED] the go-ahead to contact the individual that [REDACTED] knew and suggested. [REDACTED] [REDACTED] coordinating with [REDACTED]'s assistant to coordinate getting him scheduled to come into DOJ and fill out the HR paperwork and get fingerprinted. [REDACTED] worked with [REDACTED]'s assistant to pull the appropriate paperwork together to have this individual complete orientation and fingerprinting before March. [REDACTED] [REDACTED]

[REDACTED]

[REDACTED] for job functions and [REDACTED] management regularly. This individual had limited availability and had a day in November he could come in to complete the HR paperwork and fingerprints. [REDACTED] thought they were all set as a member of HR said that he could come in that day. [REDACTED] [REDACTED] Jayne responded via email that he could not be fingerprinted the same day as he completes orientation. [REDACTED] [REDACTED] were fingerprinted on the first day. [REDACTED] [REDACTED]

[REDACTED] DAG Wilson said that he could come in for fingerprints on Monday, but this individual could not attend orientation. [REDACTED] [REDACTED] this individual did not come in that Monday and is not being hired as an [REDACTED] at DOJ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

<sup>21</sup> A copy of the email is attached here to as Exhibit L.

<sup>22</sup> A copy of the email trail is attached hereto as Exhibit M.

[REDACTED]

[REDACTED] two female [REDACTED] reported issues to DAG Wilson and COS Viste regarding discrimination/harassment. [REDACTED] stated that one issue was Brian O’Keefe’s alleged treatment of [REDACTED], [REDACTED]. [REDACTED] said that the other issues were alleged pay discrimination related to [REDACTED], [REDACTED] and DAG Wilson’s treatment of [REDACTED]. [REDACTED] that the issue may be related to race discrimination, as [REDACTED] the alleged issue with [REDACTED]’s pay directly to DAG Wilson and COS Viste at their [REDACTED] meeting on approximately Friday, November 8, 2019, due to Jayne not following up on those reports. [REDACTED] alleged that there was no response from DAG Wilson and COS Viste. [REDACTED] brought the issue up again on approximately Wednesday, November 13, 2019. [REDACTED] recalled DAG Wilson asserting that it

[REDACTED]

posted. [REDACTED] a pay issue with minority identifying former supervisor in [REDACTED] and provided a model outlining salaries of all female identifying assistant attorney generals on a whole being paid less than their male counterparts.

Credibility of [REDACTED] [REDACTED]: [REDACTED] [REDACTED] willingly and fully participated in the investigation process. Through interviewing other witnesses, and somewhat by her own admission, [REDACTED] has had a strained relationship with [REDACTED]. The issues between [REDACTED] and members of [REDACTED] as it relates to [REDACTED] are not relevant. Individuals may perceive this to have an impact on [REDACTED]’s credibility. When [REDACTED] was asked about specific events, she provided documentation and often corroborated other witnesses’ recitations of events. [REDACTED] appeared to be open and sincere in answering the investigators’ questions and is found to be a credible witness.

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<sup>23</sup> See Exhibit B.

f. [REDACTED]

[REDACTED]

[REDACTED] described her working relationship with DAG Wilson as great and commented that DAG Wilson has helped her perform to the best of her ability.

In January of 2019, the administration changed, and the [REDACTED] met with DAG Wilson and [REDACTED] with Brian O’Keefe. [REDACTED] DAG Wilson about an issue with the [REDACTED] case. [REDACTED] she reviewed a situation where Brian was demanding [REDACTED] and the follow-up of trying to get her in trouble. [REDACTED] she described the way he treated employees and that he was a bully, who cursed at people. [REDACTED] DAG Wilson seemed shocked and said something to the effect of that he was sorry that she had to go through that and thanked her for the job that she does. In May 2019, DAG Wilson gave her a performance review and told him that she wanted to work with Brian but that she didn’t trust him, and her guard was up.

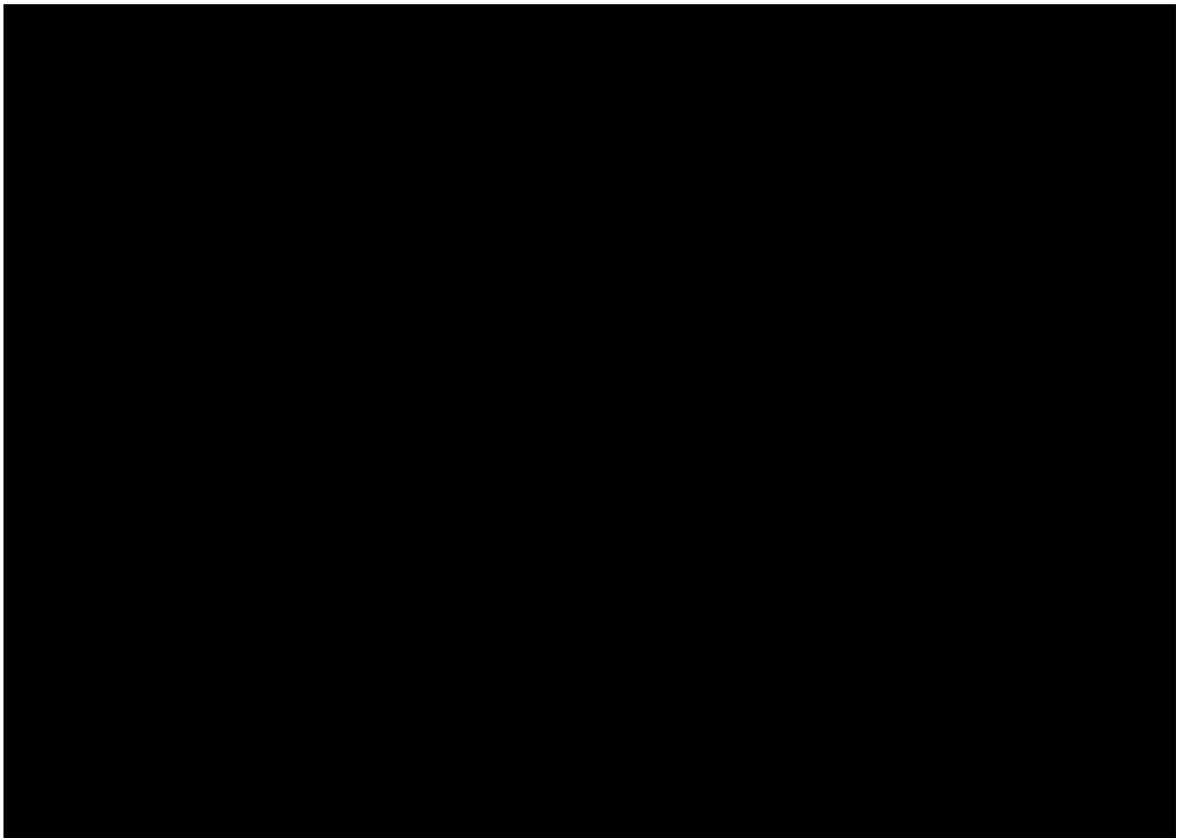
In August or September 2019, Brian emailed [REDACTED] asking if she was going to [REDACTED] of the [REDACTED] had been working on a solution to the upcoming introduction of [REDACTED] is unable to meet the new [REDACTED] stated the issue is that [REDACTED] would not be able to [REDACTED] and they did not want a [REDACTED], so the solution was to find the [REDACTED]. [REDACTED] noted that [REDACTED] commented that the [REDACTED] did not want the [REDACTED] when [REDACTED] it. [REDACTED] said they were working on [REDACTED] the [REDACTED] [REDACTED] felt that Brian could be upset that they were [REDACTED] the [REDACTED] as he was the one that made the decision to [REDACTED] was the individual they were working with on the [REDACTED]. It was their understanding that this individual had cleared it up the chain of command. [REDACTED] confirmed with [REDACTED] and all seemed a go. In [REDACTED] [REDACTED] issued a letter regarding the [REDACTED]<sup>24</sup>

On October 3, 2019, a meeting was held at [REDACTED] where she was told that they were not going to take [REDACTED] [REDACTED] had spoken with someone in [REDACTED] that had let her know they were not happy. [REDACTED] relayed this to DAG Wilson. [REDACTED] asserted that she owned the miscommunication and apologized that she did not contact them directly and that she respected that they did not want [REDACTED]. [REDACTED] reiterating what she said at the [REDACTED]<sup>25</sup> [REDACTED] and [REDACTED] worked towards finding the [REDACTED] and successfully did so in approximately November 2019.

<sup>24</sup> A copy of the September 17, 2019 letter is attached hereto as Exhibit N.

<sup>25</sup> A copy of the October 3, 2019 letter is attached hereto as Exhibit O.

On October 14, 2019, DAG Wilson pulled [REDACTED] and [REDACTED] aside. A letter was sent to AG Kaul from the [REDACTED]<sup>26</sup> [REDACTED] with Brian at the [REDACTED] and at DOJ as well as [REDACTED] that Brian is a part of. [REDACTED] believes that [REDACTED] at DOJ on [REDACTED] the [REDACTED] has not submitted anything to the State for [REDACTED] and uses the [REDACTED] already had. [REDACTED] said that this letter [REDACTED] were not aware, and still referenced the old letter not the new amended letter issued [REDACTED] said it did not add up. A letter dated [REDACTED], was received from the [REDACTED]<sup>27</sup> This letter does not reference the [REDACTED] letter and only references the letter dated [REDACTED]. [REDACTED] said she had to submit both letters as complaints against the [REDACTED]. [REDACTED] asserted that [REDACTED] is good [REDACTED]. At the end of October 2019, [REDACTED] presented at the [REDACTED] and asked [REDACTED] during the question and answer period whether there were any questions on the [REDACTED] and no one asked any questions.



[REDACTED] commented that approximately two weeks before [REDACTED] a meeting happened with Brian, DAG Wilson, and another individual. [REDACTED] said it was her understanding that Brian and this individual had requested assistance, because there was pressure for a [REDACTED] in this case. [REDACTED] said the request was denied.

<sup>26</sup> A copy of the October 14, 2019 letter is attached hereto as Exhibit P.

<sup>27</sup> A copy of the October 7, 2019 letter is attached hereto as Exhibit Q.



a very, very white agency. [REDACTED] said that over his time at DOJ he has seen a lot of respect for [REDACTED] from individuals in [REDACTED]. [REDACTED] stated that when he had the chance [REDACTED], he took it. [REDACTED] commented that he has had to support [REDACTED] when there is push back from [REDACTED].

[REDACTED] management structure needed improvement [REDACTED] they were splitting [REDACTED] into [REDACTED]. The new [REDACTED] has a new manager that is performing well. [REDACTED] noted that the revamped [REDACTED] bureau has a new manager that started in mid-April. [REDACTED] does not currently have a [REDACTED].

[REDACTED] previously had a [REDACTED]. [REDACTED] had concerns with the individual that was in the role. [REDACTED] said that he felt that [REDACTED] viewed that individual as a holdover from the previous administration and that he was setting her up to fail and/or was doing things without her knowledge. For example, [REDACTED] saw a performance evaluation that the former [REDACTED] did without [REDACTED]'s approval. [REDACTED] witnessed a conversation in which this [REDACTED] told [REDACTED] that the bureau [REDACTED] recalled [REDACTED] from that [REDACTED] and told [REDACTED] not to have a 1:1 meeting with him. [REDACTED] remembered that [REDACTED] doing a lot of [REDACTED] visits and not reporting issues back to [REDACTED]. [REDACTED] feels that this resulted in [REDACTED] saying there is a bad relationship with DOJ. [REDACTED] stated that he was trying to decide whether the [REDACTED] was being naïve or cute and he leans towards cute. For example, in approximately April 2019, [REDACTED] was contacted by [REDACTED] that was looking for monetary support to send two members of the volunteer [REDACTED] program to [REDACTED]. [REDACTED] recalls [REDACTED] saying you always pay for this. [REDACTED] said he, [REDACTED], and DAG Wilson did not know that and were not aware that one of the [REDACTED] volunteers was an employee in [REDACTED]. [REDACTED] believes that this [REDACTED] was aware and did not share. [REDACTED] also noted that at one point this [REDACTED] reported to Brian O'Keefe.

[REDACTED] a lot of individual interaction with DAG Wilson. [REDACTED] has been present in a variety of meetings with DAG Wilson and [REDACTED]'s meetings with DAG Wilson. [REDACTED] interaction with DAG Wilson was when [REDACTED] and DAG Wilson wanted to meet. [REDACTED] said the [REDACTED] and himself were going to meet with DAG Wilson. [REDACTED] said they provided materials on the case, but it appeared that DAG Wilson had not reviewed them. [REDACTED] described the interaction as DAG Wilson had already formed an opinion on this case based on his experience in private practice and was dismissive of staff analysis and recommendations. [REDACTED] described DAG Wilson as getting defensive with female lawyers. [REDACTED] said that if there is a disagreement and has seen him get on his "high horse" if he thinks he is right. [REDACTED] was present in a meeting related to a [REDACTED]. [REDACTED] recalled that DAG Wilson was discussing the difference of opinion between himself and [REDACTED]. [REDACTED] noted that [REDACTED] was not present at this meeting. [REDACTED] said that it seemed that [REDACTED] was taking a broad view on the issue and DAG Wilson was taking a narrow view. DAG Wilson thought [REDACTED] could not recall everyone that was in that meeting but said that [REDACTED] and AG Kaul as well as himself may have been there. [REDACTED] said at one-point DAG Wilson said [REDACTED] was wrong. [REDACTED] described his body language as showing extreme frustration. [REDACTED] said that this [REDACTED] came up in a private conversation with [REDACTED]. [REDACTED] stated that in that conversation [REDACTED] indicated

[REDACTED]

[REDACTED] believes that DAG Wilson treats [REDACTED] differently than he treats other managers. [REDACTED] said based on his observations DAG Wilson is more condescending, gives less credence to her judgment, and is more willing to talk over her than others. [REDACTED] believes that [REDACTED] and DAG Wilson do not trust each other.

[REDACTED] described the single most inappropriate thing [REDACTED] from DAG Wilson involved a meeting about the use of the [REDACTED]. [REDACTED] said that there was an increasing drumbeat from the end of April 2019 from the [REDACTED] about the incompetence of [REDACTED] in getting permission [REDACTED]. [REDACTED] stated there was tremendous difficulty and delays in getting approval. For example, [REDACTED] requested [REDACTED] that took four months. [REDACTED] said this is the [REDACTED] they had been using for years. [REDACTED] [REDACTED] [REDACTED] [REDACTED] and DAG Wilson. [REDACTED] recalls that [REDACTED] the effect of "[REDACTED] does not know how to do her job, but that [REDACTED] was helping her." [REDACTED] was getting scolded by a [REDACTED] and that DAG Wilson did nothing to stop it and actually condoned it.

Shortly thereafter, [REDACTED] a meeting in [REDACTED]'s office. [REDACTED]'s office and DAG Wilson coming in to speak with her. [REDACTED] that the meeting [REDACTED] civilly. [REDACTED] and DAG Wilson [REDACTED] conversations about [REDACTED] approval and issues with an employee volunteering for the [REDACTED] program. Another one of the topics was the delay in getting things out of the front office. [REDACTED] DAG Wilson that what happened in the meeting with [REDACTED] was inappropriate and unprofessional. DAG Wilson's response was that he did not see what the big deal was. [REDACTED] the meeting devolved, and that DAG Wilson and [REDACTED] were shouting at each other. [REDACTED] somebody needed to walk away. [REDACTED] that if you are the DAG you have no business shouting at an employee. [REDACTED] not recall DAG Wilson swearing and said that [REDACTED] was not swearing any more than usual. [REDACTED] the meeting had been civil, but there was underlying tension. [REDACTED] into the shouting in the hope that that would break it up, [REDACTED] the shouting lasting approximately twenty minutes. The meeting ended with DAG Wilson angrily leaving [REDACTED]'s office.

[REDACTED] said that DAG Wilson reaches down into [REDACTED] and micromanages and circumvents [REDACTED] in decision-making. For example, DAG Wilson wanted to sign off [REDACTED] reporting. [REDACTED] note that it is [REDACTED]. Instead of talking to [REDACTED], DAG Wilson began spending a lot of time with the individual that handles that for [REDACTED]. This individual reports to [REDACTED]. [REDACTED] said DAG Wilson wanted to know why that individual was reviewing [REDACTED] stated that the process in place was not acceptable. DAG Wilson became increasingly frustrated and wanted them [REDACTED]. [REDACTED] gave DAG Wilson a list [REDACTED]. Ultimately, they were able to come up with a solution. [REDACTED] described the [REDACTED] with DAG Wilson's name in response [REDACTED]. The solution was that AG Kaul would delegate the authority to DAG Wilson who would delegate to his staff the authority [REDACTED]. [REDACTED] said that DAG Wilson acted with a tone of mistrust or as if they were concealing things from him. Another issue [REDACTED] raised,

is DAG Wilson having conversations with the [REDACTED]. [REDACTED] said that [REDACTED] indicated to him that the [REDACTED] was not her choice but was DAG Wilson's choice. [REDACTED] described the [REDACTED] as very green. [REDACTED] said that there is a report for the [REDACTED] that was the [REDACTED]'s responsibility. The [REDACTED] [REDACTED] that was coming due. The [REDACTED] never told [REDACTED] and it was not getting done. This put [REDACTED] in an awkward position with the front office. [REDACTED] stated that there was another report on the [REDACTED], which was due in January. According to [REDACTED], [REDACTED] never sent it up for review due to [REDACTED]. [REDACTED] said the original draft of the [REDACTED] was not done well. [REDACTED] started meeting with this individual every day and [REDACTED] sat in on those meetings to help get the reports done and done well. [REDACTED] said this individual was left in a hole by the previous manager. [REDACTED] said they were able to finish the reports and they were able to submit a good report.

Credibility of [REDACTED], [REDACTED]: [REDACTED], [REDACTED] willingly and fully participated in the investigation process. [REDACTED] appeared to be open and sincere in answering the investigators' questions and is found to be a credible witness.

#### **h. Ashley Viste**

Ashley Viste joined the Wisconsin DOJ in approximately January 2019. She serves as the COS for AG Kaul. Ashley reports to AG Kaul.

COS Viste noted that she is in a bit of a bubble in her role as COS, as it is a new administration that is mission driven. COS Viste acknowledged that as far as culture there are some morale issues in particular units with the changes in leadership and workload. COS Viste likes working with DAG Wilson as a member of the executive leadership team she feels that DAG Wilson respects her and listens to her. COS Viste described DAG Wilson's leadership style as direct and noted that he doesn't mind digging in deep in order to fix issues. COS Viste observes him trying to be accessible and said DAG Wilson is not one to shy away from difficult issues. COS Viste said that DAG Wilson is open to feedback and she has had good experiences working with him. COS Viste noted that she has not seen a difference in the way that he treats male identifying and female identifying individuals and that most of the individuals reporting to him are female identifying. COS Viste meets with DAG Wilson a couple of times a day. COS Viste began attending meetings that DAG Wilson has with [REDACTED], [REDACTED], [REDACTED] in January 2020. COS Viste sat-in on meetings DAG Wilson had with [REDACTED], [REDACTED], [REDACTED] since January 2019. COS Viste does not attend any of the DAG Wilson's check-in meetings with other female identifying reports or any male identifying reports. COS Viste said that she was aware that [REDACTED] [REDACTED] has concerns about the way that DAG Wilson treats female identifying individuals in the workplace. COS Viste has not observed DAG Wilson engaging in any physical contact in meetings, in particular, COS Viste has not seen him touch feet with anyone under the table during meetings.

COS Viste did recall an incident where she heard DAG Wilson raise his voice in a meeting. COS Viste stated that it was in the fall of 2019 and involved a heated exchange between DAG Wilson and [REDACTED], [REDACTED]. COS Viste stated that [REDACTED] came to DAG Wilson's office on the 8<sup>th</sup> floor. COS Viste stated that she heard DAG Wilson and [REDACTED] both raise their voices. COS Viste commented that it was loud enough that they could be heard in the common area of the AG



suite. COS Viste said one of the issues involved an [REDACTED] position with the [REDACTED] COS Viste said she could hear them both shouting and that it lasted approximately ten to fifteen minutes. COS Viste noted that there have been ongoing issues between [REDACTED] [REDACTED] and DAG Wilson.

COS Viste opined that there is no one that has [REDACTED]'s level of knowledge of the DOJ [REDACTED]. During the transition to this administration, COS Viste, [REDACTED], and DAG Wilson had regular meetings approximately [REDACTED] per week. COS Viste said she spoke regularly with [REDACTED] to deal with the issues that she was having, particularly [REDACTED]. COS Viste described the issues with [REDACTED] as miscommunication and conflicts with decision-making. This led, in part, to [REDACTED] seeking a different employment opportunity in the spring of 2019. COS Viste commented that projects are delayed more often due to issues [REDACTED] than [REDACTED]. However, [REDACTED] does not always recognize the role that she and [REDACTED] play in the delays. For example, there was an issue with [REDACTED] did not move forward fast enough, but [REDACTED] did not acknowledge her role in the delay on the project. COS Viste stated that now that there is a [REDACTED] [REDACTED] COS Viste and DAG Wilson no longer meet with [REDACTED] with the same regularity.

COS Viste noted that there were numerous conflicts between DAG Wilson and [REDACTED]. COS Viste recalls that [REDACTED] would come to their meeting with an agenda and sometimes an entire stack of papers on those items in the agenda. In relation to issues involving [REDACTED] COS Viste recalls DAG Wilson often saying that he believes [REDACTED] should be the decision-maker. COS Viste said [REDACTED] does not reflect after there is a contradictory view between [REDACTED] and DAG Wilson. COS Viste stated that [REDACTED] would change the subject if she disliked a response. COS Viste said [REDACTED] would often mention old wounds with [REDACTED] when issues were discussed. Since the opening of this inquiry, COS Viste stated that DAG Wilson does not argue back to [REDACTED]. For example, there was a meeting where the issue of [REDACTED] was discussed and [REDACTED] was supposed to get back to her by noon that day and [REDACTED] threw her hands in the air. COS Viste recalled that DAG Wilson said [REDACTED] will get back to you today. COS Viste noted that DAG Wilson has told [REDACTED] to delegate more of her work and [REDACTED]'s response is that she cannot delegate any more.

COS Viste also recalled an incident regarding a request [REDACTED] brought up by DAG Wilson in one of their meetings. [REDACTED] asked what priority she should drop. DAG Wilson responded this was not an immediate ask. COS Viste stated that these type of tense responses between [REDACTED] and DAG Wilson have occurred since approximately April 2019. COS Viste remembered an incident in a meeting where [REDACTED] stated that she had not taken her vacation and she was going to take it Monday and see how the DOJ would do without her. COS Viste does not recall if DAG Wilson responded to that remark. COS Viste was not in a meeting where it was alleged that [REDACTED] slammed the door, but she does recall having a conversation with [REDACTED] regarding this behavior. COS Viste started this conversation discussing how to mediate the relationship between [REDACTED]. At the end of the conversation, COS Viste spoke with [REDACTED] about slamming the door and appropriate professional conduct. COS Viste asserted that [REDACTED] owned the behavior and said that she would not do it again. COS Viste averred that she has also tried to mediate the relationship between DAG Wilson and [REDACTED] since approximately April or May 2019, even more so after the meeting where both parties were shouting at each other. COS Viste said that she has asked in multiple ways what are concrete ways to help change this relationship.

COS Viste stated that █████ raised complaints to her and DAG Wilson regarding Brian’s treatment of █████ █████ and █████ █████. COS Viste said that █████ also raised an issue regarding █████’s pay. COS Viste recalled █████ raising these issues one time in person and one time via email.<sup>28</sup> COS Viste said █████ asked if they were going to take action and stated that she was going to notify █████ of the issues. COS Viste stated that █████ gave them two weeks to report back.

COS Viste was involved with the hiring of the new █████. This individual oversees █████ █████ COS Viste relayed that the individual that was hired was known by █████ █████ and that they had worked together for former Governor █████ COS Viste recalled a meeting with herself, DAG Wilson, AG Kaul, █████ █████ and █████ to discuss the █████ position. COS Viste stated that it was at this meeting that they asked for feedback and decided that they didn’t need a subject matter expert. COS Viste said that the executive team wanted to have a project manager in this role. █████ was an applicant for the █████ position. COS Viste remembered talking to Jayne about the pay range and size of the █████ █████ COS Viste stated that Jayne told them that more people report to █████ than █████’s █████ COS Viste acknowledged that Jayne had made her and DAG Wilson aware that █████ was having frequent conversations with Jayne to complain about her pay. COS Viste posited that █████ never contacted her directly to complain about her pay or file a complaint. COS Viste indicated that Jayne was working on and researching a way to potentially remedy the pay issue if it was warranted. COS Viste did confirm that there was a meeting with her, AG Kaul, and █████ to discuss pay issues. COS Viste said that pay issues related to █████ and two other █████ were discussed. COS Viste stated that in this meeting AG Kaul asked █████ directly whether she had any issues with her pay and █████ responded something to the effect of it is all good. On approximately December 10, 2019, COS Viste said that █████ █████, █████ █████ █████ █████ █████ COS Viste also confirmed that █████ █████ had made her and DAG Wilson aware of █████’s issue with her pay.

COS Viste began attending DAG Wilson and █████ █████ one-to-one meetings in January 2020. COS Viste said that █████ began █████ █████ █████ to those one-to-one meetings beginning January 2020. COS Viste stated that there are multiple sources of conflict between DAG Wilson and █████. COS Viste commented that one source is █████’s discontent in the handling of the █████ █████ █████ COS Viste said that this was decided after DAG Wilson called a meeting with the staff of this bureau without █████’s knowledge. COS Viste said that another issue was the way DAG Wilson handled personnel issues involving two of █████’s employees. COS Viste stated that █████ also raised an issue with DAG Wilson micro-managing █████

COS Viste said that she did get the sense that DAG Wilson thought █████ was playing favorites with █████ employee █████ █████, █████ █████. There was a dispute over who █████ was going to report to after DAG Wilson █████ █████ COS Viste recalled DAG Wilson saying something to the effect of █████ cannot report to █████. COS Viste said █████ insisted that █████ report to her and that is the way it stayed. COS Viste did not

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<sup>28</sup> See Exhibit B.

recall DAG Wilson or anyone else insinuating an [REDACTED] and [REDACTED].

COS Viste noted that [REDACTED] was [REDACTED] to be the [REDACTED] by this administration. At that time, there was an individual serving as the [REDACTED] that [REDACTED] had a difficult time working with and [REDACTED] wanted this individual to be transitioned to a different role. COS Viste said that the [REDACTED] was a holdover from the previous [REDACTED] COS Viste recalled [REDACTED] not working through issues with this [REDACTED] and that DAG Wilson wanted to find a way for the two of them to work together. COS Viste recalled that at one-point DAG Wilson scheduled a mediation meeting between the [REDACTED], DAG Wilson, and COS Viste. COS Viste felt that the [REDACTED] was prepared and thoughtful in this meeting. COS Viste commented that [REDACTED] approached the meeting prepared with all the ways the [REDACTED] had wronged her. COS Viste stated that [REDACTED] thought the [REDACTED] [REDACTED] Essentially, [REDACTED] did not trust her [REDACTED] and wanted this individual reassigned. COS Viste did recall an investigation of that [REDACTED] regarding time recording but was not involved in the review of facts or any issues [REDACTED] may have had related the outcome.

COS Viste recalled a meeting regarding DOJ logo use. COS Viste, DAG Wilson, [REDACTED], [REDACTED], [REDACTED], and [REDACTED] were present for this meeting. COS Viste said that the meeting did not go well and that the issue was tone. COS Viste said that [REDACTED] said something to the effect of [REDACTED] is new here and I have been teaching her. COS Viste did not witness DAG Wilson stepping in to address [REDACTED]'s tone in the meeting.

COS Viste stated that DAG Wilson was more hands on with addressing the issues in [REDACTED] right away from the beginning. COS Viste commented that [REDACTED] may not trust DAG Wilson and that [REDACTED] is not bringing issues to DAG Wilson for them to solve together. COS Viste said [REDACTED] is not engaging in collaborative decision-making, which COS Viste feels at times has led to bad outcomes. COS Viste stated that [REDACTED] has alleged that DAG Wilson micro-manages [REDACTED] COS Viste has not heard that feedback from other [REDACTED]

COS Viste stated that there seems to be a perception that Brian favors an employee under [REDACTED]'s supervision. COS Viste confirmed that she has discussed this issue with DAG Wilson. For example, Brian would reach out to have this employee assist [REDACTED] even though she was in [REDACTED] which is [REDACTED]. COS Viste noted that DAG Wilson would say to Brian we have already had this conversation that he was not to ask this employee to assist with tasks [REDACTED]. COS Viste recalled that Brian asked this employee for help with something related to the [REDACTED] [REDACTED] even though it was not appropriate. COS Viste said that this employee has used Brian's purchasing card. COS Viste said there has been an ongoing issue with this employee's participation in a related volunteer program using DOJ time at Brian's initial approval. COS Viste stated that they are currently working on establishing guidelines for this employee's continued participation.

COS Viste was involved in the decision to move Brian O'Keefe, DCI DA, from probationary to permanent status. COS Viste stated that her office received no communication from the prior administration regarding concerns with Brian's behavior in the workplace. COS Viste did recall some concerns raised by [REDACTED]. [REDACTED] alleged that Brian [REDACTED] [REDACTED] also alleged that Brian is [REDACTED]

verbally abusive in the workplace and unfairly targets individuals that are not loyal to him. COS Viste recalled that DAG Wilson conducted a performance review as part of deciding whether to move Brian from probationary to permanent status. COS Viste believes that DAG Wilson spoke with a lot of Brian's direct reports in conducting the performance review. COS Viste did not recall DAG Wilson speaking to other DAs for their input. DAG Wilson provided a summary to COS Viste and AG Kaul and the decision was made to move Brian to permanent status. COS Viste noted that there was not a discussion with the prior administration regarding Brian's work performance and the prior administration did not relay any concerns regarding Brian's behavior in the workplace. COS Viste did recall the prior COS indicating that they did not have the best relationship with Brian at a meeting.

COS Viste was not aware of any issues between ██████████. COS Viste did not recall ██████████ ever raising an issue with Brian's treatment of her or workplace behavior. COS Viste was aware of an issue with the ██████████, but she was not directly involved. ██████████ was aware of an issue related to a ██████████ that was sent to Kenosha by ██████████. COS Viste's involvement with that issue was limited to providing input as it related to the public relations and speaking with the Director of Communications regarding her tone in a conversation with ██████████. COS Viste opined that ██████████ has discretion as to whether ██████████ and there should have been additional conversations on this case before ██████████ acted. COS Viste said that the Director of Communications informed her that the conversation with ██████████ did not go well and acknowledged that it could have been different, and she could have used a different tone. COS Viste talked to the Director of Communications and ██████████ spoke to DAG Wilson on this issue. COS Viste was told that ██████████ was really upset with the way that the Director of Communications talked to her and swore at her.

Credibility of Ashley Viste: Ashley Viste willingly and fully participated in the investigation process. Ashley appeared to be open and sincere in answering the investigators' questions and is found to be a credible witness.

i. ██████████

██████████

██████████ described DAG Wilson as pleasant and as trying to make everybody happy. ██████████ described this administration as one that engages in micro-managing. For example, ██████████ stated that she must ask for permission to use ██████████ and that it often takes multiple decisions by members of upper level leadership before approval signatures are given. ██████████ stated that there had been a process in place regarding ██████████ for a long time. ██████████ indicated that now every letter is under review and minor changes are being made before approval signatures. ██████████ stated that a typical seven to ten-day process for letters, documents, and contracts use is now taking two to three months.

Shortly after the new administration moved in, the position of ██████████ was posted. ██████████ this position. At the time of the posting, ██████████ was ██████████

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] had a follow-up conversation with DAG Wilson and told him something to the effect of that he neutered her as a supervisor. [REDACTED] described DAG Wilson's response as flippant. [REDACTED] asserts that DAG Wilson told her to [REDACTED] at the DOJ.

[REDACTED]

Credibility of [REDACTED]: [REDACTED] willingly and fully participated in the investigation process. [REDACTED] appeared to be open and sincere in answering the investigators' questions and is found to be a credible witness.

j. [REDACTED]

[REDACTED]

[REDACTED] has had several meetings with DAG Wilson since he joined DOJ. [REDACTED] described DAG Wilson as always professional with women. [REDACTED] has worked with DAG Wilson to navigate issues between [REDACTED], [REDACTED], [REDACTED], [REDACTED].

[REDACTED] manages the [REDACTED] plan for [REDACTED] as a [REDACTED]. [REDACTED] had been partially [REDACTED] funds. [REDACTED] works closely with [REDACTED]. [REDACTED] identified historical and ongoing issues between [REDACTED]. [REDACTED] indicated that there is a lack of communication between [REDACTED]. [REDACTED] recalled that when he was a [REDACTED] in [REDACTED] there was a [REDACTED] project that occurred. [REDACTED] wrote a proposal with [REDACTED] for the [REDACTED] project. [REDACTED] said he had several meetings with [REDACTED] on this [REDACTED] project and never discussed it with his [REDACTED]. [REDACTED] said that he got a new [REDACTED] without understanding the costs and corresponding effects on the [REDACTED]. [REDACTED] averred that this was all done without [REDACTED]. [REDACTED] stated that during the [REDACTED] project [REDACTED] asked him if [REDACTED]. [REDACTED] said he said they would take more [REDACTED] and eventually [REDACTED]. To [REDACTED]'s knowledge, the hiring of [REDACTED] was not discussed with the [REDACTED] administrative team or [REDACTED]. [REDACTED] recalled [REDACTED] continually telling him that [REDACTED] wasn't going to make his probation and she wasn't sure what that meant for [REDACTED]'s job or career. [REDACTED] said that [REDACTED] asserted that [REDACTED] and [REDACTED] would be getting pre-discipline letters from DAG Wilson and [REDACTED] for not handling [REDACTED] issues. [REDACTED] asked DAG Wilson approximately one month later if he was going to receive a pre-discipline letter and DAG Wilson said, "no he was not" and asked who said that.

[REDACTED] meetings with [REDACTED] to discuss the [REDACTED]. [REDACTED] said that there have been times that DAG Wilson has sat in as a moderator. [REDACTED] stated that [REDACTED] would have agendas for the meetings. [REDACTED] said he would not see the agenda until the meeting, so he was not able to prepare. [REDACTED] stated that [REDACTED] oversteps her role. [REDACTED] asserted that [REDACTED] has told him [REDACTED] directors are inferior, written position descriptions for [REDACTED], and questioned him meeting with HR regarding [REDACTED] and hours of work policies. [REDACTED] said to his knowledge [REDACTED] had raised issues with how the [REDACTED] were managed, so she took them over before he was [REDACTED]. [REDACTED] said that [REDACTED] assigned the [REDACTED] to a member of her team. [REDACTED] said that if he had an issue or needed to make contact, then he would reach out to this individual. [REDACTED] recalled [REDACTED] pointing her finger at him and saying something to the effect of that "she doesn't report to you." [REDACTED] there was an officer involved off duty death investigation and [REDACTED] interfered with the corresponding [REDACTED] investigation. [REDACTED] [REDACTED] and DAG Wilson, that DAG Wilson saw an arrest in this case come across his phone. [REDACTED] commented to them that she was aware that there had been a [REDACTED] identifying the suspect to the

██████████ that earlier that day she had a conversation with the DCI digital forensic analyst on this case, ██████████ she told the digital forensic analyst not to go to the correlating police department due to the DNA connection. ██████████ the digital forensic analyst listened to ██████████ and did not go to the police department as instructed ██████████ ██████████ should not be ordering agents around. ██████████ witnessed ██████████ raise her voice in meetings, become so angry that she shakes, and walk out of meetings. ██████████ one meeting, in which DAG Wilson was also in attendance, where ██████████ grabbed her stuff and slammed the door, so hard that it almost broke the glass. ██████████ COS Viste on ██████████'s behavior minutes after that occurred. ██████████ after the meeting the former ██████████ called him and asked ██████████ what he did because ██████████ was in ██████████'s office and "motherf—king" him to ██████████. ██████████ seeing ██████████ put her hand up to DAG Wilson and to the new ██████████ during a meeting in an effort to control the conversation and who was speaking.

██████████ has refused to meet with ██████████ staff. ██████████ up a meeting for multiple members of ██████████ leadership to meet with ██████████ regarding the ██████████ ██████████ Leadership all got together for the meeting and ██████████ refused to meet with them. ██████████ ██████████ said something to the effect of that she thought they were all going to meet yesterday, and she was not prepared to meet that day. ██████████ ██████████ refuses to meet with ██████████ whose position is to assist with the ██████████ ██████████ was in her role when ██████████ was hired by ██████████ in 2001. ██████████ worked with ██████████ and then left to manage the ██████████

██████████ has now returned to manage the ██████████ ██████████ has no issues with ██████████ or her work performance. ██████████ ██████████ is the one raising issues with ██████████ and not providing her with ██████████ or limiting her access to ██████████ ██████████ she needs to meet with ██████████ because he can make decisions. ██████████ to consult with his staff. DAG Wilson was ready to discuss new needs of ██████████ and ██████████ thinks that is something that Brian should be included on. ██████████ DAG Wilson has ██████████ meet with ██████████ alone. ██████████ has had approval from DAG Wilson to hire a grant writer and ██████████ still do not have one. ██████████ indicated that they get a different answer from ██████████ every time on the hiring of a grant writer. ██████████ the relationship that ██████████ and ██████████ have makes it very difficult to do business and there needs to be a change moving forward. ██████████ told ██████████ about this investigation before anyone else. ██████████ ██████████ saying something to the effect of that she was giving him a heads up that there would be people coming in from the University of Wisconsin and that it was about DAG Wilson wagging his finger at people and the way that Brian treats people. ██████████ informed ██████████ he would be a witness.

██████████ has worked with ██████████ ██████████ for approximately ██████████ years. ██████████ and ██████████ worked ██████████ the former director ██████████ ██████████ at one point he reported to ██████████. ██████████ said that there are issues with ██████████'s ██████████ ██████████ that there were instances that ██████████ made substantive changes to the facts in the ██████████ stating that this could ██████████ ██████████ recalled the agent and ██████████ fixing the reports that ██████████ had adjusted and submitting them. ██████████ recalled ██████████ then taking credit for the reports with the former DA. ██████████ said he was willing to ██████████ to get away from ██████████ and work with ██████████ at DLES. ██████████ said he was asked to do her work and had to help agents ██████████

because of the way that she treated them. going to an meeting and finding out that had been saying she was going to the meetings, but she really wasn't. was responsible for and she was telling the entire management team she had to go to Tuesday meetings for every week and she was not going. found this out as she was getting and he was moving into the role of took over's tasks when she transitioned to and that is how he found out she was not attending the meetings. that was having an employee send the same formulaic responses for citizen and prisoner correspondence and complaints. this employee showed him twenty to thirty canned responses and her signature stamp. they handle each request individually now. have not filled's former

[REDACTED]

Credibility of : willingly and fully participated in the investigation process. appeared to be open and sincere in answering the investigators' questions and is found to be a credible witness.

k. [REDACTED]

[REDACTED]

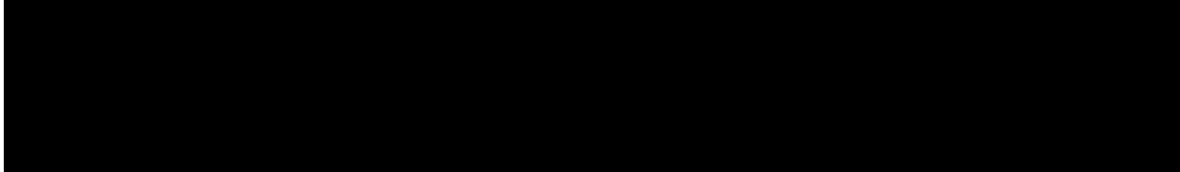
has meetings with DAG Wilson, , and described her interactions with DAG Wilson as pleasant and cordial. stated that he handles conflict and feedback well. recalled DAG Wilson losing his cool in defending to a member of the community. has not noticed any difference in the way that DAG Wilson treats male or female identified individuals.

In January 2019, the Kaul Administration took over leadership. understood that there was a review of Brian taking place. stated that DAG Wilson started asking questions about Brian. asserted that she told DAG Wilson that Brian was difficult to work for and that he would yell, raise his voice, wag his finger, and swear at employees. also said both her and gave DAG Wilson a detailed historical review of their experience working with Brian. noted that she and also discussed two specific issues related to Brian's current treatment of with DAG Wilson. The issues are a and the of the to law enforcement .



Credibility of [REDACTED] [REDACTED]: [REDACTED] [REDACTED] willingly and fully participated in the investigation process. [REDACTED] appeared to be open and sincere in answering the investigators' questions and is found to be a credible witness.

I. [REDACTED] [REDACTED]



[REDACTED] has attended meetings with DAG Wilson. [REDACTED] described DAG Wilson as collaborative and analytical. [REDACTED] said DAG Wilson is very process-minded and looks at the big picture when working through issues. [REDACTED] asserted that DAG Wilson is always a professional and if there is a disagreement he talks through the issues. [REDACTED] said that DAG Wilson treats men and women the same.

[REDACTED] stated that [REDACTED] has [REDACTED] needs that ebb and flow which do not fit nicely into a [REDACTED] [REDACTED] said at times [REDACTED] tries to fit a square peg into a round hole and trying to make that come together can result in conflicts. [REDACTED] is not sure what the solution is, but that DAG Wilson has made it clear that he wants the relationship between [REDACTED] and [REDACTED] to be better. [REDACTED] set-up a meeting with [REDACTED] in an effort to get the ball rolling and [REDACTED] did not show up. [REDACTED] noted that [REDACTED] did not call, text, or email that she was not going to attend the meeting. [REDACTED] said that they were all sitting there waiting. [REDACTED] stated that [REDACTED] did not email or reach out after the meeting about the fact that she did not attend either. [REDACTED] commented that she canceled a professional development training event that she personally paid for to attend this meeting, because DAG Wilson indicated that it was important. [REDACTED] has personally scheduled meetings with [REDACTED] and she has not shown up. For example, [REDACTED] tried to set-up a meeting with her, [REDACTED], HR, [REDACTED], and Brian to discuss [REDACTED] recruitment. [REDACTED] declined the meeting and [REDACTED] tried to reschedule. [REDACTED] responded that she did not need to meet with them. [REDACTED] noted if [REDACTED] would have met with them it would have eliminated or minimized subsequent [REDACTED] implications, they ran into with the [REDACTED] recruitment.

[REDACTED] stated that at times there were meetings between [REDACTED] and [REDACTED] that were collaborative and others where there was conflict and unprofessional behavior. [REDACTED] recalled [REDACTED] making a comment in a meeting about [REDACTED] being operations, grabbing her stuff, walking out, and slamming the door. [REDACTED] also attended a meeting where at one-point [REDACTED] interrupted, raised her voice, and put her hand up to DAG Wilson. [REDACTED] perceived [REDACTED]'s behavior as disrespectful and unprofessional. [REDACTED] stated that DAG Wilson did not react and just kept talking. [REDACTED] said that she has been on the receiving end of that behavior and has seen this several times from [REDACTED] in meetings and perceived it as disrespectful and unprofessional.

Credibility of [REDACTED] [REDACTED]: [REDACTED] [REDACTED] willingly and fully participated in the investigation process. [REDACTED] appeared to be open and sincere in answering the investigators' questions and is found to be a credible witness.

m. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] asserted that there had been ongoing issues with [REDACTED] following the [REDACTED] indicated that the previous administration was not as strict with [REDACTED] and the previous culture of [REDACTED] was looser when it came to following processes. [REDACTED] purported that the current management team of [REDACTED] led by [REDACTED], has struggled trying to change that culture and get everyone to follow updated processes. [REDACTED] described it as a free for all before the Kaul Administration and now there is a process to follow and that appropriate approvals are required. [REDACTED] noted that the Kaul Administration has been clear about not using spending money on swag and oversight of documents is taken seriously. [REDACTED] stated that she does not have any [REDACTED] regarding [REDACTED] or documents.

[REDACTED] a meeting with [REDACTED] and [REDACTED], along with herself, [REDACTED] and DAG Wilson, to address those issues in [REDACTED]. [REDACTED] said the meeting was to help get [REDACTED]'s staff on board with following the processes. [REDACTED] said DAG Wilson and COS Viste used this meeting to explain the process for routing documents, including DOJ [REDACTED] correspondence, and scheduling requests. [REDACTED] staff, of trying to move [REDACTED] documents through with different standards, which raised an ethical issue for her [REDACTED].

[REDACTED] stated that [REDACTED] is not aggressive. [REDACTED] recalled an incident regarding a statutory report that was heavily delayed by [REDACTED]. [REDACTED] was the day that it was due. [REDACTED] wanted [REDACTED] DAG Wilson wet sign the report, which the Kaul Administration does not do, and [REDACTED] stated that all documents are signed electronically. [REDACTED] said it took multiple days to review the report, as many individuals had to review the report. [REDACTED] noted that in this instance the delay was the content of the document not the [REDACTED]. In this instance, the DOJ [REDACTED] was not of concern it was the revision and review of the statutory report.

[REDACTED]

Wilson's office to speak with him. [REDACTED] stated that it was not unusual [REDACTED] talk loudly to DAG Wilson. [REDACTED] raises her voice or yells at DAG Wilson frequently. [REDACTED] also spoke this way to individuals in the previous administration. [REDACTED] COS Viste to intervene at least two times while [REDACTED] was yelling, and COS Viste said something to the effect of she would monitor tone and let them just talk it out. There was a point where [REDACTED] DAG Wilson ask [REDACTED] to stop and that [REDACTED] would not let him talk. [REDACTED] felt that it was disrespectful. [REDACTED] DAG Wilson raise his voice, but she characterized it as defending himself. [REDACTED] was not sure what happened after the meeting but [REDACTED] the meeting lasted approximately thirty minutes. [REDACTED] raised her voice first and did the vast majority of the yelling. [REDACTED] found it to be distressing.

[REDACTED] has worked at the Wisconsin DOJ [REDACTED]. [REDACTED] opined that [REDACTED] is good at her job and sees herself as the expert; however, [REDACTED] seems to struggle with differing opinions. [REDACTED] noted that there have been large group meetings with varying attendees where she has witnessed [REDACTED] leave crying possibly due to frustration.

This meeting with [REDACTED] is the only meeting that she recalled hearing DAG Wilson raise his voice. [REDACTED] DAG Wilson raising his voice in any meetings with [REDACTED]. [REDACTED] did recall instances where DAG Wilson would let [REDACTED] vent and [REDACTED] say "[REDACTED], [REDACTED], [REDACTED]" so he can talk, but not with a raised voice. [REDACTED] commented that DAG Wilson will often go to other individuals' offices to meet with them.

Credibility of [REDACTED]: [REDACTED] willingly and fully participated in the investigation process. [REDACTED] appeared to be open and sincere in answering the investigators' questions and is found to be a credible witness.

n. [REDACTED]

[REDACTED]

As a member of the [REDACTED] [REDACTED] does not have a lot of interaction with DAG Wilson unless she is working on matters of interest or impact. [REDACTED] [REDACTED] required two meetings in which DAG Wilson was present. [REDACTED] described his communication style in those two meetings as directive rather than receptive.

One of the matters involved a question on a [REDACTED] person. This occurred in approximately [REDACTED] shortly after DAG Wilson and this administration began to lead. [REDACTED] stated that she did not agree necessarily agree with DAG Wilson's opinion on this matter and was not given a reason for this opinion. [REDACTED] stated that [REDACTED] federal for approximately thirteen/fourteen years. DAG Wilson was not receptive to hearing her opinion.

The other matter was a [REDACTED] regarding [REDACTED]. A meeting was held to discuss the [REDACTED] with [REDACTED], [REDACTED], [REDACTED], DAG Wilson, [REDACTED]. [REDACTED] had prepared a memo outlining a response and the position that she thought they should take. [REDACTED], [REDACTED], and [REDACTED] were all in agreement with the approach. [REDACTED] was

providing her [REDACTED] [REDACTED] stated that DAG Wilson really “jumped on” [REDACTED] and was not receptive. [REDACTED] described DAG Wilson’s behavior as pretending to argue like a judge and stated that he thought [REDACTED] was wrong. [REDACTED] [REDACTED] of the arguments DAG Wilson was making to judges [REDACTED] but DAG Wilson was not receptive. [REDACTED] recalled that it was like DAG Wilson and Brian were taking sides against the [REDACTED] women. [REDACTED] attempted to interject with comments on the way this had been handled prior.

[REDACTED] has a lot of knowledge in this area, which is why she was brought in. [REDACTED] thought DAG Wilson was condescending and has not had an experience like that where someone was not receptive. [REDACTED] did not participate or say much in the meeting, because she saw the way [REDACTED] was treated. [REDACTED] felt like they were treated that way, because they were female. [REDACTED] described DAG Wilson’s behavior as giving them the least consideration when they had the most experience. [REDACTED] noted that when Brian or [REDACTED] were speaking DAG Wilson seemed receptive to them, when, even in her opinion, Brian was giving examples of [REDACTED] that did not match what they were doing. [REDACTED] felt that DAG Wilson was not asking for [REDACTED]’s opinion the way that he was asking for Brian’s. [REDACTED] stated it felt that the meeting was organized as men versus women, as even in the meeting the men were sitting together and so were the women. [REDACTED] recalled a post meeting conversation in the hallway with [REDACTED], [REDACTED], her, and [REDACTED], which was productive.

A second meeting was held with the same attendees and the addition of [REDACTED] and [REDACTED] [REDACTED] stated that they had prepared another memo. [REDACTED] described the meeting as going the same as the last meeting. [REDACTED] stated that DAG Wilson and Brian talked the whole time. [REDACTED] recalls [REDACTED] [REDACTED] DAG Wilson responding that no we aren’t going there. [REDACTED] said DAG Wilson’s response was dismissive, similar to the way [REDACTED] was treated. [REDACTED] said they were back to where they were before. [REDACTED] [REDACTED] and indicated that they had not convinced him of anything. [REDACTED] stated that the [REDACTED]

[REDACTED] [REDACTED] [REDACTED] that I “don’t really want to be in a meeting with Eric again.” [REDACTED] said she has a [REDACTED] a lot of work on that case. She did not want to spend time [REDACTED] when DAG Wilson had already made up his mind. [REDACTED] believes she had this conversation with [REDACTED] after the second meeting but said that it could have been after the first meeting.

A third meeting was held in [REDACTED] office. This time DAG Wilson and Brian were not there. The meeting attendees were herself, [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED]. [REDACTED] stated that [REDACTED] indicated that DAG Wilson was not sure what to do with this particular matter. From this meeting, [REDACTED] drafted a detailed and bulleted action plan. [REDACTED] was supposed to craft emails. This was approximately four months after [REDACTED] At this time, [REDACTED] is not sure whether [REDACTED] is complete but believes that the emails have not been sent.

[REDACTED] asserted that this project delayed beyond necessary and this could have been completed a long time ago. [REDACTED] felt that it was dysfunctional. [REDACTED] opined that DAG Wilson wanted an option [REDACTED]

is difficult to defend in a [REDACTED] to go with in this matter. [REDACTED] did recall [REDACTED] and that statement was made based on experience and going in front of [REDACTED] already made similar [REDACTED] to those DAG Wilson was suggesting [REDACTED] was [REDACTED] lost. [REDACTED] gave the example of [REDACTED] and the argument that [REDACTED] This [REDACTED] that case and Wisconsin DOJ had to pay.

Credibility of [REDACTED]: [REDACTED] willingly and fully participated in the investigation process. [REDACTED] appeared to be open and sincere in answering the investigators' questions and is found to be a credible witness.

o. [REDACTED]

[REDACTED] has worked with and attended meetings with DAG Wilson. [REDACTED] has had positive and negative interactions with DAG Wilson. [REDACTED] stated that DAG Wilson's behavior has been aggressive or argumentative in meetings. [REDACTED] does not recall DAG Wilson raising his voice. [REDACTED] said that DAG Wilson will argue with her if she disagrees with him. [REDACTED] stated that she hasn't seen him interact with men he disagrees with but has seen him act this way with women he disagrees with. [REDACTED] said there are often delays in DAG Wilson's responses or it seems like DAG Wilson is dragging his feet, which she feels sometimes makes her look bad. [REDACTED] said that at times DAG Wilson does not listen to her, is non-responsive, or is unwilling to listen to her which she feels is harmful to her reputation. [REDACTED] stated that she considered stepping away from [REDACTED] and/or [REDACTED] her interactions with DAG Wilson and has discussed this with her supervisor.

[REDACTED] asserted that the first time that she felt DAG Wilson stepped out of line with her was over a [REDACTED] that she was working on in approximately [REDACTED] [REDACTED] said she went into this meeting thinking that she was providing some simple [REDACTED]

being there. [REDACTED] said DAG Wilson kept interrupting her. DAG Wilson would ask a question and she would try, and answer and he would interrupt. [REDACTED] recalled saying in the meeting that [REDACTED] DAG Wilson going into a mode where he acted like he was going [REDACTED] [REDACTED] felt that she wasn't listened to. [REDACTED] stated that during this process she felt pressured to take [REDACTED] [REDACTED] recalled after that meeting that [REDACTED], Brian, her, and [REDACTED] had a good conversation on how to move forward and it was collaborative. [REDACTED] said that the meeting with DAG Wilson felt contentious. [REDACTED] recalled that [REDACTED] was present in the meeting and commented that now [REDACTED] knows how DAG Wilson talks to [REDACTED] all the time. After the first meeting on this issue, [REDACTED] went to [REDACTED] and relayed how she was treated by DAG Wilson and said something to [REDACTED]

the effect of that “she wouldn’t allow him to treat her that way again.” [REDACTED] [REDACTED] written [REDACTED] on this [REDACTED] inquiry, because she knew DAG Wilson would not listen to her in a verbal conversation on this issue.

At the second meeting, [REDACTED] [REDACTED] and [REDACTED] were in attendance. [REDACTED] [REDACTED] came up with a solution and [REDACTED] perceived DAG Wilson as completely disregarding [REDACTED] solution. [REDACTED] [REDACTED] [REDACTED] like the back of her hand and between [REDACTED] there is approximately 50 years of experience. DAG Wilson did ask Brian, DCI DA, a lot of questions at this meeting. [REDACTED] requested a third meeting on this [REDACTED] issue. [REDACTED] said she felt disregarded by DAG Wilson. [REDACTED] stated that DAG Wilson [REDACTED] [REDACTED] commented that you can disagree with what [REDACTED] but you cannot interrupt her or be a jerk. [REDACTED] felt that it put a lot of pressure on her to explain every little thing that she does. [REDACTED] said that [REDACTED] that assisted her in this [REDACTED] inquiry, [REDACTED] [REDACTED], who she also happens [REDACTED] came to her at one point and said something to the effect of “I do not want to be in a meeting with DAG Wilson again.” [REDACTED] found this to be disconcerting. [REDACTED] stated that she felt whatever [REDACTED] she gave to DAG Wilson fell on deaf ears. [REDACTED] indicated that she has given twenty to thirty [REDACTED] and probably [REDACTED] [REDACTED]

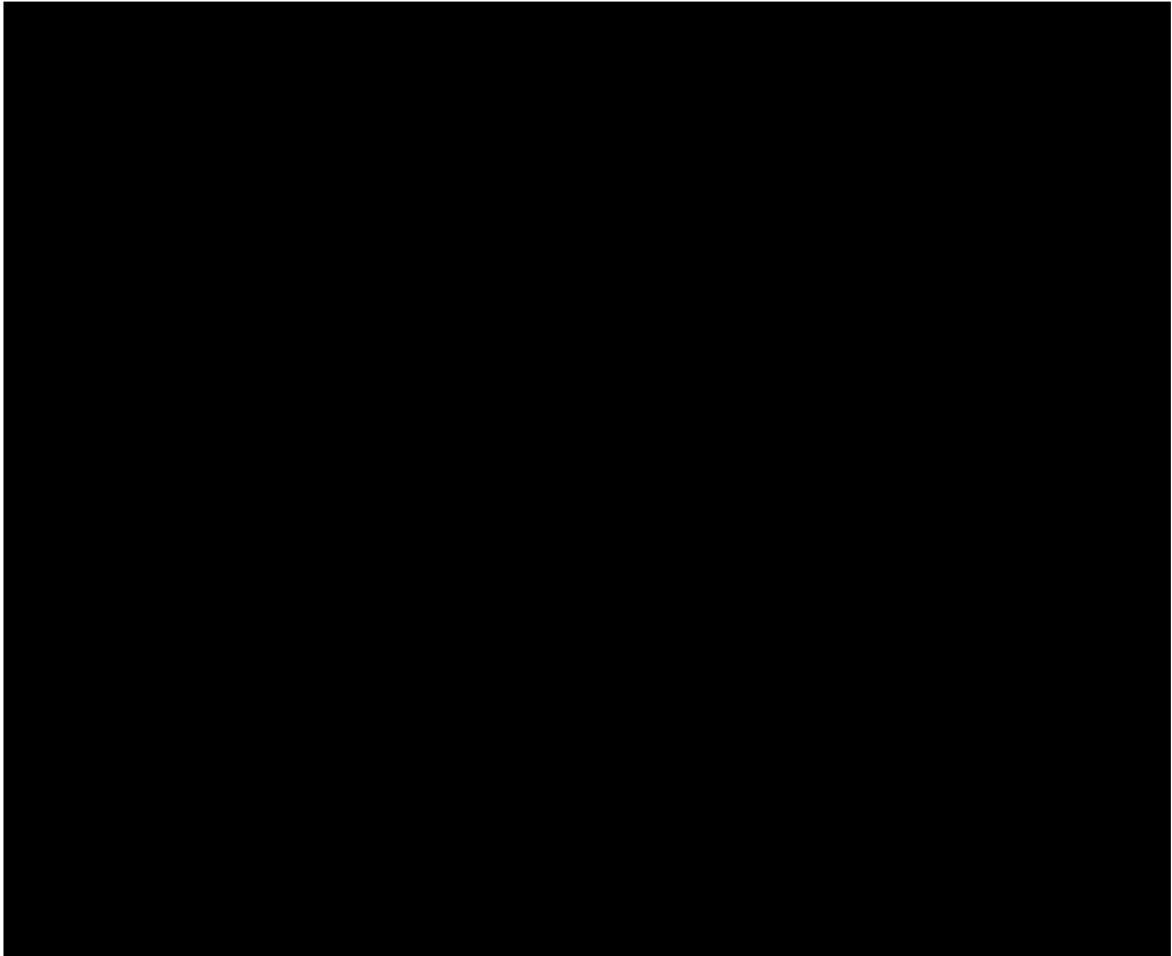
In December 2019, [REDACTED] sent an email regarding this [REDACTED] [REDACTED] said that [REDACTED] relayed to her that [REDACTED] had been trying to set-up a meeting with [REDACTED] and that she kept declining the meeting requests. [REDACTED] stated that [REDACTED] indicated that COS Viste contacted [REDACTED] and was upset with [REDACTED] for not having the project on track. [REDACTED] asked [REDACTED] why she refused to meet with Brian and [REDACTED] responded that she wasn’t going to meet with him, that [REDACTED] had guns, and that other people were afraid of Brian. [REDACTED] inquired as to whether [REDACTED] was afraid of Brian and [REDACTED] said something to the effect of “that is what I have been trying to tell everyone.” After this phone call with [REDACTED], [REDACTED] sent an email regarding the project and [REDACTED]

[REDACTED] <sup>29</sup> Approximately one hour later, [REDACTED] spoke with the [REDACTED] [REDACTED] indicated that she told them that she was worried about [REDACTED], that [REDACTED] is afraid of Brian, and that the [REDACTED] [REDACTED]

[REDACTED]

<sup>29</sup> A copy of the email is attached hereto as Exhibit R.

another to ask about race/sex discrimination and sexual harassment. ██████ said that DAG Wilson requested that she and ██████ ██████ for DOJ addressing privacy for ██████ ██████ was made aware by ██████ that DAG Wilson had changed the language without speaking to her or ██████ ██████ sent an email to DAG Wilson correcting the language.<sup>30</sup> ██████ commented that this is an example of DAG Wilson ignoring advice and not communicating changes.



██████ has known ██████ approximately six years. ██████ said that she began working more closely with ██████ around late ██████. ██████ was tasked with attending weekly ██████ meeting and ██████ attended those as well as served as an on-call authority to answer questions on ██████ ██████ said they became work friends in approximately ██████. ██████ indicated that there were times that ██████ would reach out to her to discuss various concerns.

██████ stated that ██████ contacted ██████ when she was ██████ salary at her initial ██████ to ██████ ██████ recalls ██████ being upset with the fact that she was paid less than the previous ██████ who was a white male identifying individual. ██████ said that ██████ reached out ██████ again when the new ██████ was hired. ██████ purported that ██████ spoke with ██████ after learning that the ██████ was going to make more than ██████ did and the ██████ is

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<sup>30</sup> A copy of the redacted email trail is attached hereto as Exhibit S.

managing a smaller department. [REDACTED] makes less than every [REDACTED] and makes less than the [REDACTED]. [REDACTED] stated that DAG Wilson told [REDACTED] directly that the new [REDACTED] does not have prior experience in [REDACTED]. [REDACTED] believes that the new [REDACTED] is white identifying. [REDACTED] stated that [REDACTED] potential issues with [REDACTED]'s pay and racial discrimination to [REDACTED]. [REDACTED] asserts that [REDACTED] stated to her that there was racial discrimination regarding the issue of her pay. [REDACTED] relayed that she thought, [REDACTED] [REDACTED] was required to report it to HR. [REDACTED] indicated that [REDACTED] agreed with her assessment. [REDACTED] [REDACTED] in-person to Jayne as race discrimination. [REDACTED] asserts that Jayne said that [REDACTED]

[REDACTED]

[REDACTED] felt that Jayne was focused only on the alleged issue regarding [REDACTED]'s pay. [REDACTED] recalled talking to Jayne for a long time. [REDACTED] believes that Jayne was working with DOA on how to potentially remedy this situation.

[REDACTED]

[REDACTED] In November 2019, DAG Wilson told her that they had hired a [REDACTED] and that this person does not have [REDACTED] experience. DAG Wilson stated that this person comes from the [REDACTED] world and will help with communication. [REDACTED] recalled DAG Wilson telling her that [REDACTED]

[REDACTED]

that the decision had nothing to do with her friendship with [REDACTED].

[REDACTED] reaching out to her regarding an issue with her former [REDACTED]. [REDACTED] said that the former [REDACTED] was being investigated for an issue related to time and pay. [REDACTED] was concerned with how the investigation was handled and that she was being forced into [REDACTED] letters that downplayed policy violations. [REDACTED] said [REDACTED] indicated that she was uncomfortable that no discipline was being issued. [REDACTED] told [REDACTED] sign the letters if [REDACTED] was uncomfortable. [REDACTED] said it is not uncommon for individuals to reach out to her to ask if they should [REDACTED]

Credibility of [REDACTED] willingly and fully participated in the investigation process. [REDACTED] appeared to be open and sincere in answering the investigators' questions and is found to be a credible witness.



### III. POLICY STATEMENT

As per the Notice, the Wisconsin DOJ is responsible for investigating complaints or reports of behavior that may violate its policies. The alleged conduct may have violated the DOJ Discrimination and Harassment Prevention and Complaint Policy and/or the Wisconsin Human Resources Handbook Work Rules as outlined in Section 410.030.

The Discrimination and Harassment Prevention and Complaint Policy provides for the investigation of allegations pursuant to the complaint resolution process. The Wisconsin DOJ retained external investigators to conduct the fact-finding portion of the investigation. This reported is limited to determining whether it is more likely than not that an allegation occurred. DOJ will conduct a review of the fact-finding report for purposes of determining whether policy violations occurred.

### IV. STANDARD OF REVIEW

This fact-finding review will be made using the preponderance of the evidence standard. This standard requires that the information supporting a finding must weigh more heavily than the information in opposition such that the fact at issue is more likely than not to be true.

### V. REASONING AND ANALYSIS

This investigation is limited to reviewing the allegations individually and determining whether DAG Wilson engaged in such behavior in the workplace in fact and not whether any behavior that occurred is a violation of DOJ policy or definitions of such behavior as outlined in DOJ workplace policies. The witness interviews and materials were viewed through the limited lens of whether it is more likely than not that DAG Wilson engaged in such behavior in the workplace. The reasoning and analysis section is limited to a discussion of the relevant information gathered through witness interviews and materials to determine whether DAG Wilson engaged in the behaviors alleged.

For organizational purposes, the reasoning and analysis is grouped by the four allegations: multiple reports of use of profane or abusive language, bullying, harassing, or demeaning behavior towards female employees; alleged potential discrimination based on protected class or perceived protected class in imposing workplace conditions relating to an employee's personal life; alleged potential discrimination based on protected class or perceived protected class in determining whether to investigate and take human resources action against an employee regarding allegations of misconduct; and alleged failure to act on reports of alleged misconduct and discrimination in the workplace and pay based on protected class or perceived protected class.

#### 1. Multiple reports of use of profane or abusive language, bullying, harassing, or demeaning behavior towards female employees.

There were allegations that DAG Wilson engaged in the use of profane or abusive language, bullying, harassing, or demeaning behavior towards female employees.

██████████ has had positive and negative interactions with DAG Wilson. ██████████ stated that DAG Wilson's behavior has been aggressive or argumentative in meetings, but she did not recall DAG Wilson ever raising his voice. ██████████ said that at times DAG Wilson does not listen to her, is non-responsive, or is unwilling to listen to her which she feels is harmful to her reputation. ██████████ state that she considered stepping away from ██████████ and/or ██████████ to limit her interactions with DAG Wilson and has discussed this with her supervisor. ██████████ asserted that the first time that she felt DAG Wilson stepped out of line with her was over a ██████████ in a meeting on this issue, ██████████ said that DAG

Wilson kept interrupting her. [REDACTED] recalled saying that [REDACTED] arguments that DAG Wilson was raising. [REDACTED] described DAG Wilson going into a mode where he acted like he was going in [REDACTED]. [REDACTED] felt that she was not listened to and that the meeting felt contentious. After the meeting, [REDACTED] commented that now [REDACTED] knows how DAG Wilson talks to [REDACTED] all the time. [REDACTED] spoke with her supervisors [REDACTED] and relayed how she was treated by DAG Wilson and said something to the effect of that she wouldn't allow him to treat her that way again. [REDACTED] said that she wrote a [REDACTED] inquiry, because she knew DAG Wilson would not listen to her in a verbal conversation on this issue. In a second meeting on this issue, [REDACTED] said that she felt that DAG Wilson completely disregarded the solution of the [REDACTED]. [REDACTED] stated that she felt disregarded and that DAG Wilson [REDACTED] said that [REDACTED] assisted her in this [REDACTED] inquiry, [REDACTED] [REDACTED], who she also happens to supervise, came to her at one point and said something to the effect of "I do not want to be in a meeting DAG Wilson again."

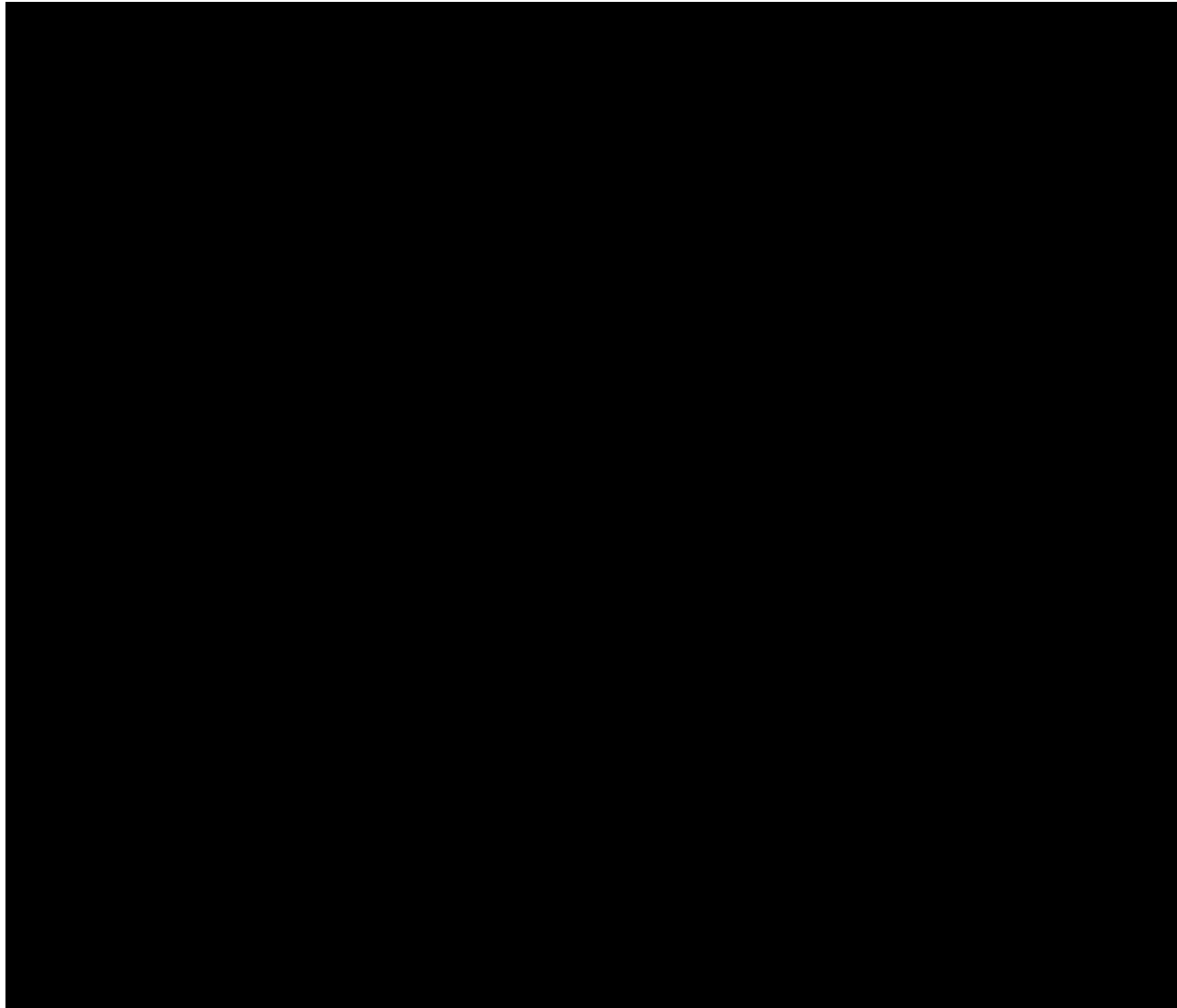
[REDACTED] [REDACTED] corroborated [REDACTED]'s statement regarding the public records request. [REDACTED] stated that she does not have a lot of interaction with DAG Wilson, but she worked on a project that required two meetings in which DAG Wilson was present. [REDACTED] described his communication style in those meetings as directive rather than receptive. [REDACTED] stated that she did not necessarily agree with DAG Wilson's opinion on the public records request and was not given a reason for this opinion. [REDACTED] said that DAG Wilson was not receptive to hearing her opinion. [REDACTED] was present at the meeting on the records request with [REDACTED] [REDACTED], Brian O'Keefe, [REDACTED] [REDACTED], DAG Wilson, and [REDACTED]. [REDACTED] confirmed that [REDACTED] prepared a memo outlining a response and the position that she thought DOJ should take, of which [REDACTED] and [REDACTED] agreed. [REDACTED] commented that DAG Wilson really "jumped on" [REDACTED] and was not receptive. [REDACTED] described DAG Wilson's behavior as pretending [REDACTED] thought [REDACTED] was wrong. [REDACTED] noted that they had tried to make some of the arguments that DAG Wilson was making [REDACTED] and have failed, but DAG Wilson was not receptive to that. [REDACTED] felt like DAG Wilson and Brian were taking sides against the women. [REDACTED] stated that she thought that DAG Wilson was condescending and has not had an experience like that where someone was not receptive. [REDACTED] said that she did not participate or say much in the meeting, because she saw the way [REDACTED] was treated. [REDACTED] noted that she felt that they were treated that way, because they were female. [REDACTED] described DAG Wilson's behavior as giving them the least consideration when they had the most experience. [REDACTED] said that when Brian or [REDACTED] were speaking DAG Wilson seemed receptive to them even when she felt that Brian was giving examples that did not match what they were doing. [REDACTED] attended a second meeting on this issue and described it as going the same as the first meeting and that Brian and DAG Wilson talked the whole time. At one point, [REDACTED] said that [REDACTED] made a comment to the effect of "this is what I think we should do" and DAG Wilson said, "no we aren't going there." [REDACTED] described DAG Wilson's response was dismissive and similar to the way that [REDACTED] was treated. [REDACTED] recalled that DAG Wilson said something to the effect of "we are just saying no to the records request" and indicated that they had not convinced him of anything. [REDACTED] stated that the request had been out for months and that they needed to do something. [REDACTED] corroborated [REDACTED]'s statement that she told [REDACTED] that "I don't really want to be in a meeting with Eric again." [REDACTED] commented that she has a [REDACTED] and she did not want to spend time [REDACTED] when DAG Wilson had already made up his mind.

[REDACTED] [REDACTED] was present at one of the public record requests meetings on the matter [REDACTED] [REDACTED] and [REDACTED]. [REDACTED] recalled that DAG Wilson was discussing the difference of opinion between himself and [REDACTED] [REDACTED]. [REDACTED] noted that [REDACTED] [REDACTED] was not present at this meeting. [REDACTED] said that it seemed that [REDACTED] was taking a broad view on the issue and DAG Wilson was taking a narrow

view. DAG Wilson thought ██████ was wrong. ██████ described DAG Wilson's body language as showing extreme frustration. ██████ said that this public records request came up in a private conversation with ██████. ██████ stated that in that conversation with ██████

law. ██████ described DAG Wilson as getting defensive with female lawyers. ██████ said that if there is a disagreement and has seen him get on his "high horse" if he thinks he is right.

DAG Wilson indicated that he worked with ██████ on an open records request. DAG Wilson did not recall raising his voice in any meetings on this open records request. DAG Wilson stated that he and ██████ had different ██████ opinions on ██████. DAG Wilson stated ██████ made statements to the effect of "that ██████ and the ██████ memo she prepared on this request was sided that way. ██████'s part to make any guarantees on the outcome of ██████ actions. DAG Wilson stated that ██████ is no longer involved in this public records request. DAG Wilson indicated that AG Kaul rejected her ██████ for the same reasons that he did.



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<sup>31</sup> See Exhibit S.

[REDACTED]

DAG Wilson stated that he was frustrated by the reaction of some of the individuals working on this project. DAG Wilson linked the employees' experience in the prior administration to impacting the work that was being done on the survey. DAG Wilson [REDACTED] there were concerns about aggregating the data and that [REDACTED] said to him in a meeting "don't f---k it up." DAG Wilson said that despite his explicit instruction NAAG sent the full survey data and not the aggregate survey data. DAG Wilson noted that the DOJ no longer has that survey data and that NAAG was able to aggregate the data. DAG Wilson asserted that he was communicating in good faith, but that [REDACTED] did not think that he was telling the truth about his communications with NAAG.

[REDACTED] described DAG Wilson as berating her in communications, condescending in emails, and undermining her. [REDACTED] asserts that DAG Wilson micro-manages the department. [REDACTED] said that DAG Wilson acts as an [REDACTED] and that he has no respect for her. [REDACTED] stated that DAG Wilson treats her differently than other white female identifying [REDACTED] and white male identifying [REDACTED]. [REDACTED] noted that DAG Wilson is often involved in the day-to-day management of [REDACTED] division. [REDACTED] gave examples of DAG Wilson meeting directly with individuals in [REDACTED] division to address issues. [REDACTED] said DAG Wilson does this and then does not circle back with her on these issues, so she has no idea about what is going on or the reasons he is meeting with [REDACTED] employees. [REDACTED] indicated that this impacts her relationships with [REDACTED] employees. For example, DAG Wilson met with an individual in [REDACTED] regarding grant approvals without her or his supervisor, [REDACTED]'s, knowledge. [REDACTED] an incident involving the office of school safety, where DAG Wilson was having conversations with an employee in [REDACTED] and she had no idea. [REDACTED] said that this resulted in the impression by another division that [REDACTED]'s [REDACTED] was not willing to help. [REDACTED] said that she apologized to [REDACTED] staff. [REDACTED] stated that [REDACTED] DAG Wilson wants to talk to her it is not a conversation. In discussing a concern over this employee's behavior in a meeting, [REDACTED] DAG Wilson not allowing her to make decisions regarding [REDACTED] employees. [REDACTED] an employee into a different bureau. This employee had some performance issues and had filed a complaint against [REDACTED] for hostile work environment, which was unfounded after an investigation. [REDACTED] it was a collective decision after discussion with COS Viste, Corey, and Jayne. [REDACTED] DAG Wilson returned from vacation and blew up at her. [REDACTED] DAG Wilson saying something to the effect of [REDACTED] having no business making that decision. [REDACTED] she is the [REDACTED] and she has the right to make decisions about [REDACTED] employees. [REDACTED] noted that DAG Wilson was not communicating with her about issues involving this employee. [REDACTED] another incident with the behavior of one [REDACTED] employees at a national conference. [REDACTED] discipline the employee and DAG Wilson told her that she could not and that she had to write a [REDACTED] she is treated differently than other [REDACTED] in this regard. [REDACTED] DAG Wilson does not get as involved with other [REDACTED] employee management to that level.

DAG Wilson asserted that if he sees an issue then he will talk with someone and try to fix it. DAG Wilson said that [REDACTED] wants him to talk with her first before speaking with [REDACTED] employees. DAG Wilson confirmed that he attended a meeting regarding a project related to the Office of School Safety setting up a tip-line and there was a question as to using a bureau in [REDACTED] as a resource. DAG Wilson went directly from that meeting to speak to the related bureau director in [REDACTED] was upset with DAG Wilson for going directly to the bureau director. DAG Wilson told [REDACTED] he would try and be mindful moving forward, but there are times that he needs to address issues without her. DAG Wilson relayed to [REDACTED] that it is a spectrum in that sometimes he will address issues with her first and others where he will not. At a

subsequent meeting on this project, DAG Wilson described this same [REDACTED] as being mean in discussing project options with an employee from another [REDACTED]. DAG Wilson recalled [REDACTED] being upset as she felt that DAG Wilson took sides and she preferred that DAG Wilson not attend meetings between [REDACTED] and let them work it out. DAG Wilson stated that he admonished both employees in this meeting and tried to get them to see the other's perspective. DAG Wilson said that [REDACTED] was present at the meeting and when he did that, [REDACTED] appeared ready to leave through non-verbal cues and said something to the effect of alright we are done. DAG Wilson commented that [REDACTED]'s refusal to act collaboratively in this meeting was jarring. DAG Wilson brought up [REDACTED] behavior in his next one-to-one meeting with [REDACTED]. DAG Wilson said that he told [REDACTED] that this was a side of this [REDACTED] that he had not seen before and that he thought [REDACTED] was enabling this behavior. DAG Wilson did not raise his voice in that meeting. DAG Wilson did say something to the effect of that this was too much drama. [REDACTED] DAG Wilson said no I didn't say that. DAG Wilson told [REDACTED] that she has to tell him what she is feeling that it is a trust issue, because he felt that what she said in the hallway wasn't true and that she was really upset that he met with the Chief. DAG Wilson said that he spoke with [REDACTED] directly about the need for her to be candid and honest about what she thinks to improve trust between them. DAG Wilson said that meeting lasted approximately ten minutes and is the last one-to-one he has had with her where it was just her and him. Regarding the employee and the [REDACTED] program, DAG Wilson indicated that the concern was that this employee was engaging in those activities or being asked to do tasks outside of [REDACTED] without checking with her supervisor first. DAG Wilson stated that [REDACTED] wanted her off the [REDACTED] team. DAG Wilson communicated to [REDACTED] and [REDACTED] to not remove this employee from the [REDACTED] team. DAG Wilson went on vacation and when he returned this employee was moved to a different bureau in [REDACTED] and was removed from the [REDACTED] team.

[REDACTED] another incident regarding the position of the [REDACTED]. At the time, the [REDACTED], [REDACTED], applied for the position. [REDACTED] DAG Wilson and Jayne met with members of [REDACTED]'s bureau. [REDACTED] was not invited to this meeting and did not know it was taking place. [REDACTED] to her and asking why this meeting happened and why her staff are now reporting to the [REDACTED] and not [REDACTED]. [REDACTED] found out about the meeting, because one of [REDACTED]'s employees told her. [REDACTED] relayed to her that DAG Wilson said that [REDACTED] cannot report to [REDACTED]. [REDACTED] as part of the [REDACTED] [REDACTED] had to find a job for herself or create one. [REDACTED] came up with a job and DAG Wilson decided that [REDACTED] was going to report to [REDACTED]. [REDACTED] Jayne saying that they were going to have a meeting about [REDACTED]. A meeting was held with [REDACTED], DAG Wilson, Jayne, [REDACTED], and another member of HR. In this meeting, [REDACTED] DAG Wilson about having the meeting with [REDACTED]'s staff without her knowledge. [REDACTED] DAG Wilson did not say a word to that but did relay that [REDACTED]'s [REDACTED] did not like her. [REDACTED] DAG Wilson said something to the effect of that he was trying to help her, and [REDACTED]'s response was how are you helping me. [REDACTED] DAG Wilson that this was unacceptable, to leave [REDACTED] alone, and that [REDACTED] needs to report [REDACTED]. [REDACTED] asserted that during her time at DOJ she was not aware of any other administration engaging in the practice of meeting with staff of an internal candidate in the manner that DAG Wilson did in this instance. [REDACTED] had she known about the meeting she would have insisted on being there.

Jayne Swingen confirmed that the meeting with the staff in [REDACTED] occurred, and that the intent of the meeting was to have a discussion as to whether the individual in that position needed to have a law enforcement background, not to discuss [REDACTED]. Jayne stated that there were no follow-up discussions with [REDACTED] about the feedback they received, because the intent of the meeting was to discuss

the position and [REDACTED] structure not to discuss [REDACTED]'s performance as a leader. Jayne is not aware of any actions that were taken to rehab [REDACTED] in that [REDACTED] role until the [REDACTED] went through its process. Jayne did not recall such a meeting being held in any other hiring situation. Jayne recalled that after the first half hour of the meeting that it turned into a negative discussion about [REDACTED]. Jayne noted that [REDACTED] was not invited to the meeting but had no recollection as to why. Jayne did not recall that anyone met with [REDACTED] to follow-up with her about the feedback regarding [REDACTED] in the meeting. Jayne confirmed that [REDACTED] did have to [REDACTED] job for herself, as her [REDACTED] [REDACTED] but she was able to keep her same rate of pay and most of her annual adjustment.

[REDACTED] described DAG Wilson as pleasant and as trying to make everybody happy. [REDACTED] described this administration as one that engages in micro-managing [REDACTED] after the meeting that DAG Wilson put a halt to the hiring process. [REDACTED] stated that the meeting began as a feedback session and that the meeting turned into a discussion of all the things that staff did not like [REDACTED] [REDACTED] altogether and that she was not notified of this decision, except through an email that went out to everyone. [REDACTED] had a follow-up conversation with DAG Wilson and told him something to the effect of that he neutered her [REDACTED] [REDACTED] described DAG Wilson's response as flippant. [REDACTED] [REDACTED] [REDACTED] contacted [REDACTED], as this was part of [REDACTED]'s Division and [REDACTED] reported to [REDACTED], to ask what the plan was moving forward. [REDACTED] [REDACTED] comfortable going back into a [REDACTED] in the interim. [REDACTED] was never given the chance to respond to the feedback by DAG Wilson. [REDACTED] returned to DAG Wilson with a plan to work in [REDACTED] handling events and trainings. [REDACTED] DAG Wilson said something to the effect of he can just promote [REDACTED] once [REDACTED] was out of the way to [REDACTED] [REDACTED] DAG Wilson that he have an open process. [REDACTED] DOJ ended up doing an open application process for those positions. [REDACTED] she could report to [REDACTED] [REDACTED] [REDACTED] intervened right before the transition and [REDACTED] continued to report to [REDACTED]. [REDACTED] stated that she sent an email saying that she would voluntarily take [REDACTED] however, [REDACTED] and her options were to take [REDACTED] with DOJ. [REDACTED] had nowhere else to go, so she took [REDACTED].

DAG Wilson acknowledged that communication should have been better with [REDACTED] regarding [REDACTED]. DAG Wilson said that he and Jayne Swingen attended a meeting with staff from [REDACTED] during the recruitment of a new [REDACTED]. DAG Wilson said confirmed that they have not held such a meeting in any other search processes; however, they have deviated from process and did an additional "second look" interview on a recent [REDACTED] hire. DAG Wilson indicated that in the meeting the staff gave veiled comments about what they were looking for in a leader that led DAG Wilson to believe that it may [REDACTED]. DAG Wilson said that there was also feedback that the [REDACTED] and this feedback led to that halt for the recruitment for a [REDACTED] and the eventual [REDACTED]. DAG Wilson said that [REDACTED] was not at the meeting, but that he did discuss [REDACTED] with [REDACTED]. DAG Wilson did not recall whether [REDACTED] knew about the meeting or whether [REDACTED] was given a chance to respond to [REDACTED]. DAG Wilson said that the feedback about [REDACTED] halted the recruitment for the [REDACTED] position. DAG Wilson stated that the decision was to cancel the recruitment for the [REDACTED] position and [REDACTED]. DAG Wilson does not recall any rehabilitation efforts for [REDACTED] in that [REDACTED] role, but the [REDACTED] about [REDACTED] to warrant such a response.

[REDACTED] she raised a concern regarding her [REDACTED] who is no longer employed by the DOJ. [REDACTED] this employee was investigated by DAG Wilson. The result of the investigation was

that the employee would receive a letter of direction in their file. [REDACTED] was not able to have input in the discipline of [REDACTED] employee and that she felt like she was being undermined and held hostage about having [REDACTED]. [REDACTED] the letter of direction was written in the way DAG Wilson wanted and that [REDACTED] this individual's career. [REDACTED] reassigned prior to the investigation and had made suggestions for different projects that this individual could work on. DAG Wilson made it clear that this individual was going to stay in his role and that he tried to mediate the issues between [REDACTED] and [REDACTED] in one of those meetings DAG Wilson pointed his finger [REDACTED] and said something to the effect of if you would have done what I told you to do. [REDACTED] did not feel supported by DAG Wilson regarding her concerns.

DAG Wilson stated that [REDACTED] raised an issue regarding her [REDACTED] and his time recording. DAG Wilson said that he approved a formal investigation in this matter. DAG Wilson said the outcome was a letter of expectation and [REDACTED] was upset that the letter was not more severe and accusatory. DAG Wilson recalled that [REDACTED] was consulted on the language of the letter and that there was a lot of back and forth. DAG Wilson asserted that he never directed [REDACTED] to sign the letter or forced her to do so. DAG Wilson commented that [REDACTED] had a dysfunctional relationship with her [REDACTED] and that himself and [REDACTED] had tried to intervene to remedy it. DAG Wilson was working on finding a new role for the [REDACTED] when this individual left the DOJ. DAG Wilson commented that there had been ongoing issues related to [REDACTED]'s relationship with her [REDACTED]. [REDACTED] did not want this individual as her [REDACTED] and was ostracizing him and flat out refusing to work with him.

COS Viste stated that there are multiple sources of conflict between DAG Wilson and [REDACTED]. COS Viste commented that one source is [REDACTED]'s discontent in the handling of the [REDACTED] of one of [REDACTED]'s [REDACTED] the [REDACTED]. COS Viste said that this was decided after DAG Wilson called a meeting with the staff of this bureau without [REDACTED]'s knowledge. COS Viste said that another issue was the way DAG Wilson handled personnel issues involving two of [REDACTED]'s employees. COS Viste stated that [REDACTED] also raised an issue with DAG Wilson micro-managing [REDACTED]. COS Viste has not heard that feedback from other [REDACTED]. COS Viste stated that DAG Wilson was more hands on with addressing the issues in [REDACTED] right away from the beginning. COS Viste commented that [REDACTED] may not trust DAG Wilson and that [REDACTED] is not bringing issues to DAG Wilson for them to solve together. COS Viste said [REDACTED] is not engaging in collaborative decision-making, which COS Viste feels at times has led to bad outcomes.

COS Viste noted that [REDACTED] was [REDACTED] to be the [REDACTED] by this administration. At that time, there was an individual serving as the [REDACTED] that [REDACTED] had a difficult time working with and [REDACTED] wanted this individual to be transitioned to a different role. COS Viste said that the [REDACTED] was a holdover from the previous [REDACTED]. COS Viste recalled [REDACTED] not working through issues with this [REDACTED] and that DAG Wilson wanted to find a way for the two of them to work together. COS Viste recalled that at one point DAG Wilson scheduled a mediation meeting between the [REDACTED], [REDACTED], DAG Wilson, and COS Viste. COS Viste felt that the [REDACTED] was prepared and thoughtful in this meeting. COS Viste commented that [REDACTED] approached the meeting prepared with all the ways the [REDACTED] had wronged her. COS Viste stated that [REDACTED] thought the [REDACTED]. Essentially, [REDACTED] did not trust her [REDACTED] and wanted this individual reassigned. COS Viste did recall an investigation of that [REDACTED] regarding time recording but was not involved in the review of facts or any issues [REDACTED] may have had related the outcome.

[REDACTED] DAG Wilson has had conversations with outside law enforcement without her knowledge regarding one of [REDACTED] employees. The same employee that she moved into a [REDACTED] and [REDACTED]

that filed a complaint against [REDACTED] was also working with the [REDACTED] program [REDACTED] DAG Wilson has had conversations outside of DOJ with a Chief regarding the [REDACTED] program. [REDACTED] said she was having conversations regarding supporting the program and was unaware that DAG Wilson was also having conversations with the same Chief, until the Chief emailed [REDACTED] and told [REDACTED] what she was going to do with this program. [REDACTED] asserted that this negatively impacts her relationship [REDACTED] [REDACTED] “walk that around to the law enforcement community.” [REDACTED] limits what [REDACTED] meetings she attends and does not attend meetings if she believes that [REDACTED] is attending. For example, [REDACTED] does not go to the [REDACTED] meetings, because [REDACTED] attends. [REDACTED] said that she informed the front office that she would not attend meetings where [REDACTED] is in attendance.

DAG Wilson confirmed that he had conversations with the Chief about [REDACTED] and [REDACTED]’s employee working with the [REDACTED] program and [REDACTED] program. DAG Wilson had a meeting with that Chief, Brian, and [REDACTED] in which that Chief indicated that he wanted that employee on the [REDACTED] team. DAG Wilson turned to [REDACTED] in the meeting and said, “do you have anything to add” and [REDACTED] responded “negative.” DAG Wilson recalled having a conversation with a Chief that contacted him directly regarding concerns with [REDACTED]. DAG Wilson said that the Chief sent a somewhat cryptic email asking to speak with him directly, but he thought that it was regarding [REDACTED]. DAG Wilson spoke with that Chief after consulting with COS Viste on the right approach to handle this request and it was determined that it was best if he met with this Chief alone. DAG Wilson stated that the conversation with the Chief mostly [REDACTED]

DAG Wilson stated that the Chief also commented that the employee that volunteered for [REDACTED] can do whatever she wants on her own time. After the conversation, the Chief sent an email to [REDACTED] saying that he spoke with DAG Wilson and cc’d DAG Wilson. After he saw the email, DAG Wilson happened to see [REDACTED] in the hallway and told her that he spoke with the Chief and that he should have spoken to her first. DAG Wilson recalled [REDACTED] responding, “we are all good.” DAG Wilson assumes that [REDACTED] would have preferred that he did not have that conversation with the Chief. After that, DAG Wilson received a text message from the Chief stating that DOJ cannot stop this employee from volunteering on her own time. DAG Wilson spoke with [REDACTED] and suggested guidelines for this employee’s work with the [REDACTED] program. In that meeting, DAG Wilson recalled [REDACTED] yelling at him about this Chief not being able to tell them what to do and was not in favor of DAG Wilson’s suggestion of setting guidelines. DAG Wilson said that [REDACTED] flip-flopped in the course of the day in the way to handle this issue. DAG Wilson stated that the Chief communicated that the employee could not be stopped from volunteering with [REDACTED] if she does it on her own time. DAG Wilson said that the Chief asked that DOJ not be associated with [REDACTED] moving forward. DAG Wilson sent an email asking [REDACTED] what they should do now. [REDACTED] sent an email saying that they need to set clear guidelines, which was what DAG Wilson had suggested in the meeting earlier that day. DAG Wilson is currently working with others to navigate this employee’s volunteer hours and her work hours with the DOJ to establish guidelines.

[REDACTED] DAG Wilson’s behavior has resulted in a lack of respect for her internally. [REDACTED] commented that it once took thirteen days for her to get approval for DOJ [REDACTED] but that is not the case for her white colleagues. [REDACTED] had a conversation with DAG Wilson and a meeting was held, where [REDACTED] [REDACTED] said [REDACTED] staff was incompetent. [REDACTED] said DAG Wilson did not respond to [REDACTED]’s behavior.

[REDACTED] the new [REDACTED] like DAG Wilson, contacted a member of her staff and then followed-up with her after. [REDACTED] had no idea that the [REDACTED] was meeting with a member of her staff. [REDACTED] then reached out to this individual to make sure everything was ok. [REDACTED] indicated that this makes her job extraordinarily difficult. [REDACTED] [REDACTED] she was required to pay for her own [REDACTED]



██████████ and then found out that Brian and his DDA were not required to do so. ██████ indicated that she was told by DAG Wilson in the beginning of his tenure that it would not look good for AG Kaul and the DOJ to pay for her ██████████

██████████ corroborated ██████'s assertion that DAG Wilson micro-manages ██████ ██████ said that DAG Wilson reaches down into ██████ and micromanages and circumvents ██████ in decision-making. For example, DAG Wilson wanted to sign off on all the federal grant reporting. ██████ ██████████ it is hundreds of grants. Instead of talking to ██████, DAG Wilson began spending a lot of time with the individual that handles that for ██████. This individual reports to ██████. ██████ said DAG Wilson wanted to know why that individual was reviewing grants and stated that the process in place was not acceptable. DAG Wilson became increasingly frustrated and wanted them to print all the grants. ██████ ██████ DAG Wilson a list of passwords and logins to access the grants. Ultimately, they were able to come up with a solution. ██████ ██████ DAG Wilson acted with a tone of mistrust or as if they were concealing things from him. Another issue ██████ raised is DAG Wilson having conversations with the ██████████ ██████ said that ██████ indicated to him that the ██████████ ██████████ described the ██████████ as very green. ██████ said that there is a report for the ██████████ that was ██████████. The ██████████ that was coming due. The ██████████ never told ██████ and it was not getting done. This put ██████ in an awkward position with the front office. ██████ stated that there was another report on the ██████████ which was due in January. According to ██████, the ██████████ never sent it up for review due to negative feedback on the ██████████. ██████ said the original draft of the ██████████ was not done well. ██████ started meeting with this individual every day and ██████ sat in on those meetings to help get the reports done and done well. ██████ said this individual was left in a hole by the previous manager. ██████ said they were able to finish the reports and they were able to submit a good report.

██████████ expressed a positive working relationship with ██████ and noted that she really cares for staff. ██████ indicated that ██████ has tremendous programmatic knowledge and that over his time at DOJ he has seen a lot of respect for ██████ from individuals in DCI, DLS, and DLES. ██████ stated that when he had the chance to work for ██████, he took it. ██████ stated that he believes that DAG Wilson treats ██████ differently than he treats other managers. ██████ said based on his observations DAG Wilson is more condescending, gives less credence to her judgment, and is more willing to talk over her than others. ██████ believes that ██████ and DAG Wilson do not trust each other.

██████████ described the single most inappropriate thing he has witnessed from DAG Wilson involved a meeting about the use of the DOJ ██████████. ██████ said that there was difficulty and delays in getting approval. For example, ██████ requested DOJ ██████ approval for a ██████████ involving juveniles that took four months. ██████ said this is the same poster that they have been using for years. ██████ recalled attending a meeting with ██████ ██████████, COS Viste, DAG Wilson, and ██████. ██████ said that ██████ said something to the effect of ██████ does not know how to do her job, but that ██████ was helping her. ██████ said that a ██████ was getting scolded ██████████ and that DAG Wilson did nothing to stop it and actually condoned it.

██████████ ██████████'s office and DAG Wilson came in to speak with her. ██████ said ██████████ but was told by ██████ and DAG Wilson ██████████. In this meeting, ██████ ██████████ DAG Wilson that what happened in the meeting with ██████ ██████████ was inappropriate and unprofessional. DAG Wilson's response was that he did not see what the big deal was. ██████████ the meeting devolved, and that DAG Wilson and ██████ were shouting at each other. ██████ ██████████ somebody needed to walk away. ██████████ approximately five minutes into the shouting in the hope that

that would break it up, [REDACTED] the shouting lasting approximately twenty minutes. The meeting ended with DAG Wilson angrily leaving [REDACTED]'s office.

COS Viste recalled a meeting regarding DOJ logo use. COS Viste, DAG Wilson, [REDACTED], [REDACTED], and [REDACTED] were present for this meeting. COS Viste said that the meeting did not go well and that the issue was tone. COS Viste said that [REDACTED] said something to the effect of "[REDACTED] is new here and I have been teaching her." COS Viste did not witness DAG Wilson stepping in to address [REDACTED]'s tone in the meeting.

[REDACTED] recalled the meeting but stated that it was to help get [REDACTED]'s staff on board with following the processes. [REDACTED] said DAG Wilson and COS Viste used this meeting to explain the process for routing documents, including DOJ [REDACTED] grants, and general correspondence, and scheduling requests.

Jayne stated that [REDACTED] made her aware of issues that [REDACTED] had working DAG Wilson. [REDACTED] indicated to Jayne that she feels that DAG Wilson is the [REDACTED] in relation to his interactions with [REDACTED] division. [REDACTED] also reported to Jayne that DAG Wilson and [REDACTED] did not communicate well with each other and would yell at each other in meetings. Jayne has been in meetings with DAG Wilson and [REDACTED]. Jayne said that there were times that [REDACTED] would not talk in the meetings, but then after would reach out to Jayne and would complain and be mad for days at DAG Wilson. Jayne recalls [REDACTED] starting this in approximately June 2019.

DAG Wilson described his working relationship with [REDACTED] as friendly and a trusted colleague until he ordered the investigation into her employee's complaint against her. Since then, DAG Wilson said his relationship with [REDACTED] has been poor. DAG Wilson commented that his one-to-one meetings with [REDACTED], when they still occurred, were no more than ten or fifteen minutes. DAG Wilson is concerned with some aspects of [REDACTED]'s management style, which he described as targeting individuals she does not like and not tolerating dissent. DAG Wilson recalled an issue that [REDACTED] had with obtaining DOJ logo approval. DAG Wilson said there is no formal process for approval, but [REDACTED] serves as a [REDACTED] many things, including logo requests. DAG Wilson said that logo requests go from [REDACTED] to the Communications Director. DAG Wilson stated that [REDACTED] complained about the length of time it took for [REDACTED] to get logo approval. DAG Wilson has not witnessed any behavior or seen any other evidence of discrimination based on race for any reason including getting logo approvals. DAG Wilson recalled a meeting being held regarding approval processes and [REDACTED] running it. DAG Wilson was present at the meeting and did not think that [REDACTED] was berating or disrespectful to [REDACTED], but afterward he received an email from [REDACTED] about the treatment of [REDACTED] in this meeting [REDACTED] DAG Wilson said that [REDACTED] used to work for [REDACTED]. DAG Wilson described [REDACTED] as having a rigid view of process and procedure. DAG Wilson said they are not reviewing logo documents for content per se but for Communications' approval. DAG Wilson said that the Director of Communications is handling all logo approvals. DAG Wilson noted that DOJ has been working on drafting and updating a policy related to the payment of professional association membership fees for its employees. At this time, management has been directed to use their discretion in approving payment for professional association membership fees for their employees. DAG Wilson does not approve payment for professional association membership fees unless it happens to be one of his direct reports that made the purchase using a purchasing card. DAG Wilson has not directed or indicated to [REDACTED] or any other individual at DOJ that they are required to pay for professional association membership fees out of their personal funds.

[REDACTED] was hired. [REDACTED] noted that when the administration first took over, [REDACTED] met with DAG Wilson and COS Viste [REDACTED] morning for

approximately [REDACTED] weeks and then they met bi-weekly. [REDACTED] DAG Wilson would often leave early, so she wasn't able to get through her meeting agendas. [REDACTED] DAG Wilson as often being checked out or contemptuous in those meetings. [REDACTED] this went on for approximately one month. [REDACTED] life was too short to work for DAG Wilson, so she sought a different

DAG Wilson described his working relationship with [REDACTED] as difficult. DAG Wilson said that [REDACTED] has an extraordinary work ethic and puts out an excellent work product. DAG Wilson said that [REDACTED] DAG Wilson was aware that [REDACTED] has had conflicts with [REDACTED] over managing aspects of their [REDACTED]. DAG Wilson told [REDACTED] not to make any decisions impacting [REDACTED] without their approval. DAG Wilson recalled that [REDACTED] was very resistant to that directive and expressed that it was inefficient, as [REDACTED] was unresponsive. Early in his tenure, DAG Wilson suggested that [REDACTED] copy him on every email and alert him if [REDACTED] did not respond, so he could then follow-up. DAG Wilson stated that over time [REDACTED] was not happy with that solution and seems to perceive him as not supportive of her. DAG Wilson [REDACTED] threatened to resign in April 2019. COS Viste convinced [REDACTED] to stay. After this, [REDACTED] began to attend [REDACTED]'s meetings with DAG Wilson. DAG Wilson stated that [REDACTED] has walked out of meetings with him and [REDACTED]

COS Viste noted that there were numerous conflicts between DAG Wilson and [REDACTED]. COS Viste recalls that [REDACTED] would come to their meeting with an agenda and sometimes an entire stack of papers on those items in the agenda. In relation to issues involving DCI, COS Viste recalls DAG Wilson often saying that he believes DCI should be the decision-maker. COS Viste said [REDACTED] does not reflect after there is a contradictory view between [REDACTED] and DAG Wilson. COS Viste stated that [REDACTED] would change the subject if she disliked a response. Since the opening of this inquiry, COS Viste stated that DAG Wilson does not argue back to [REDACTED]. For example, there was a meeting where the issue of [REDACTED] was discussed and [REDACTED] said [REDACTED] was supposed to get back to her by noon that day and [REDACTED] threw her hands in the air. COS Viste recalled that DAG Wilson said [REDACTED] will get back to you today. COS Viste noted that DAG Wilson has told [REDACTED] to delegate more of her work and [REDACTED]'s response is that she cannot delegate any more. COS Viste also recalled an incident regarding a request for [REDACTED] space in [REDACTED] brought up by DAG Wilson in one of their meetings. [REDACTED] asked what priority she should drop. DAG Wilson responded this was not an immediate ask. COS Viste stated that these type of tense responses between [REDACTED] and DAG Wilson have occurred since approximately April 2019. COS Viste remembered an incident in a meeting where [REDACTED] stated that she had not taken her vacation and she was going to take it Monday and see how the DOJ would do without her. COS Viste does not recall if DAG Wilson responded to that remark.

[REDACTED]

DAG Wilson [REDACTED] that he conducted a performance evaluation for [REDACTED]. DAG Wilson spoke with six or seven people in her bureau to get feedback on her as manager. DAG Wilson said that he met in-person with her staff, because he was concerned about her conduct towards him, so he was worried about [REDACTED]'s treatment of her staff. DAG Wilson indicated that all the feedback from [REDACTED]'s staff

[REDACTED] DAG Wilson said all of [REDACTED]'s previous performance evaluations [REDACTED] DAG Wilson rated [REDACTED] [REDACTED] DAG Wilson commented that [REDACTED]

[REDACTED] DAG Wilson said that he had COS Viste look over the review before presenting it to [REDACTED]. DAG Wilson said that [REDACTED] was upset with his review, but never raised a complaint about being treated differently than others in relation to her review. DAG Wilson also conducted performance reviews of [REDACTED] around the same time. DAG Wilson did not interview their staff as part of their review, because he wasn't concerned. DAG Wilson did not receive any complaints from [REDACTED]'s employees. DAG Wilson was concerned for her staff based on [REDACTED]'s treatment of him, her interpersonal skills he has witnessed, and a conversation he had with an individual in a different department that had negative interactions with her, who is no longer at DOJ. DAG Wilson completed two performance reviews where he spoke with staff due to concerns relayed to him or his own concerns: [REDACTED] and Brian. DAG Wilson performed a 360-degree performance review on Brian shortly after taking office and met in-person with every SAC in DCI. DAG Wilson said that he believes in treating people equitably not necessarily equally depending on individual circumstances.

[REDACTED] an issue related to a [REDACTED] request in DLS. [REDACTED] said that HR had been working with DLS for approximately two months on this [REDACTED] noted that [REDACTED] makes [REDACTED] [REDACTED] In approximately June 2019, there was an issue with the [REDACTED] and DLS was upset. [REDACTED] the issue was on the HR end and DAG Wilson yelled at [REDACTED] about DLS being upset with HR. [REDACTED] walked out of the meeting. [REDACTED] when DAG Wilson gets angry his tone is tight, contemptuous, and he clenches his fists when he is angry. [REDACTED] cannot reasonably deal with issues involving HR, because DAG Wilson assumes [REDACTED] is being critical of HR and he becomes

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<sup>32</sup> See Exhibit C.

<sup>33</sup> See Exhibit C.

[REDACTED]

[REDACTED] an issue related to overtime policies and pay in [REDACTED]. HR put out a new hours of work policy and that policy conflicted with how [REDACTED] was tracking hours. [REDACTED] tracks all spending for all divisions. [REDACTED] stated that the new HR policy had conflicts, so she reached out to HR to assist with the process side because [REDACTED] was not in compliance with the new policy. [REDACTED] spoke with HR and shared her concerns. [REDACTED] wasn't trying to say HR was wrong she was trying to address the conflict in practice. [REDACTED], was confused about who does what as he manages the [REDACTED]. DAG Wilson buddied up with [REDACTED] in a related meeting. In this meeting, [REDACTED] asserted that DAG Wilson said something to the effect of [REDACTED] gets involved in things that are just not things that [REDACTED] needs to get involved in. [REDACTED] to DAG Wilson's comment that [REDACTED] processes and signs the overtime claims. [REDACTED] that DAG Wilson talked over her in the meeting and dressed her down on every topic. [REDACTED] they made it through her meeting agenda and the time for the meeting had ended, so she said something to the effect of that was our last topic and the meeting is done. [REDACTED] said that COS Viste was told that [REDACTED] slammed the door on her way out and COS Viste talked to her about this behavior being inappropriate. [REDACTED] said she did not slam the door.

DAG Wilson indicated that he has attempted to remedy the relationship between [REDACTED] and [REDACTED]; however, his efforts are often seen by [REDACTED] as taking [REDACTED]'s side. DAG Wilson commented that [REDACTED] is unique in that they have their own [REDACTED] person. [REDACTED] took over managing the [REDACTED] during the previous administration. DAG Wilson approved [REDACTED] hiring a new [REDACTED] person after the last individual in that role left. DAG Wilson said that [REDACTED] does not want to meet with this new [REDACTED] individual. [REDACTED] only wants to meet one-on-one with the [REDACTED]. DAG Wilson said that he attended one of [REDACTED] and [REDACTED]'s regularly scheduled meetings and there was a discussion on [REDACTED] pay. DAG Wilson recalled that [REDACTED] was previously trying to get guidance from HR on managing overtime. DAG Wilson suggested that [REDACTED] and [REDACTED] meet with an HR representative to work on that issue. DAG Wilson said that [REDACTED] was not happy with that suggestion and she gathered her stuff, walked out, and slammed the door. DAG Wilson requested that COS Viste speak with [REDACTED] regarding her behavior at this meeting and document the conversation.

COS Viste recalled having a conversation with [REDACTED] regarding this behavior. COS Viste started this conversation discussing how to mediate the relationship between [REDACTED] and [REDACTED]. At the end of the conversation, COS Viste spoke with [REDACTED] about slamming the door and appropriate professional conduct. COS Viste asserted that [REDACTED] owned the behavior and said that she would not do it again.

[REDACTED] indicated that there were ongoing issues with [REDACTED] and [REDACTED]. [REDACTED] recalled an incident [REDACTED] refused to show up at a meeting and did not call, text, or email that she was not going to attend. [REDACTED] has personally schedule meetings with [REDACTED] and she has not shown up. For example, [REDACTED] tried to set-up a meeting with her, [REDACTED], HR, [REDACTED], and Brian to discuss [REDACTED] recruitment and [REDACTED] declined. [REDACTED] attempted to reschedule and [REDACTED] responded that she did not need to meet with them. [REDACTED] recalled [REDACTED] making a comment in a meeting about [REDACTED] being operations, grabbing her stuff, walking out, and slamming the door. [REDACTED] also attended a meeting where at one-point [REDACTED] interrupted, raised her voice, and put her hand up to DAG Wilson. [REDACTED] perceived [REDACTED]'s behavior as disrespectful and unprofessional. [REDACTED] stated that DAG Wilson did not react and just kept talking. [REDACTED] said that she has been on the receiving end of that behavior and has seen this several times from [REDACTED] in meetings and perceived it as disrespectful and unprofessional.

██████████ there were times that DAG Wilson sat in as a moderator in his weekly meetings with ██████████ to discuss the ██████████ ██████████ oversteps her role. ██████████ ██████████ has told him his directors are inferior, written position descriptions for his ██████████ and questioned him meeting with human resources regarding ██████████ and hours of work policies. ██████████ said that ██████████ assigned the ██████████ management to a member of her team. ██████████ said that if he had an issue or needed to make contact, then he would reach out to this individual. ██████████ recalled ██████████ pointing her finger at him and saying something to the effect of that she doesn't report to you. ██████████ ██████████ raise her voice in meetings, become so angry that she shakes, and walk out of meetings. ██████████ ██████████ at a meeting, in which DAG Wilson was also in attendance, where ██████████ grabbed her stuff and slammed the door, so hard that it almost broke the glass. ██████████ said he briefed COS Viste on ██████████'s behavior minutes after that occurred. ██████████ seeing ██████████ put her hand up to DAG Wilson and to the ██████████ during a meeting in an effort to control the conversation and who was speaking.

Brian O'Keefe recalled attending a meeting where he witnessed ██████████ shush DAG Wilson when he was talking. Brian said that DAG Wilson let it go and did not address it in the meeting. Brian indicated that his employees have reported that ██████████ has shushed DAG Wilson in meetings as well and that she has exhibited disrespectful behavior.

In November 2019, ██████████ there was an incident with DAG Wilson over the hiring of an ██████████ position for the ██████████ ██████████ contacted ██████████ about an individual she knew who was highly trained and would have been a great person to run ops at the ██████████ that was being run by ██████████ ██████████ had been ██████████ and stayed involved when she moved to ██████████ ██████████ had gotten approval to bring on an ██████████ from DAG Wilson. At ██████████'s request, ██████████ gave ██████████ three names of highly qualified individuals and ██████████ gave ██████████ the go-ahead to contact the individual that ██████████ knew and suggested. ██████████ was coordinating with ██████████'s assistant to coordinate getting him scheduled to come into DOJ and fill out HR paperwork and get fingerprinted. ██████████ worked with ██████████'s assistant to pull the appropriate paperwork together to have this individual complete orientation and fingerprinting before March. This individual had limited availability and had a day in November he could come in to complete the HR paperwork and fingerprints. ██████████ they were all set as a member of HR said that he could come in that day. ██████████ Jayne responded via email that he could not be fingerprinted the same day as he completed orientation. ██████████ commented that all the employees she has hired were fingerprinted on the first day. ██████████ what Jayne was saying was not in line with the policy posted on the website. ██████████ relayed this to DAG Wilson via email.<sup>34</sup> ██████████ DAG Wilson said that he could come in for fingerprints on Monday, but this individual could not attend orientation. ██████████ that this individual did not come in that Monday and is not being hired as an ██████████ at DOJ to her knowledge.

██████████ indicated that she probably sounded resigned. ██████████ said DAG Wilson went off on her and that her recollection is a bit of a blur. ██████████

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<sup>34</sup> See Exhibit M.

[REDACTED]

[REDACTED] DAG Wilson was angry about that as well. [REDACTED] stated that DAG Wilson yelled at her loudly and said things to the effect of she has a terrible

[REDACTED] A short time later DAG Wilson [REDACTED] and began yelling at her again about not

[REDACTED]

COS Viste confirmed that there was a meeting where [REDACTED] and DAG Wilson were shouting at each other. COS Viste averred that she has also tried to mediate the relationship between DAG Wilson and [REDACTED] since approximately April or May 2019, even more so after the meeting where both parties were shouting at each other. COS Viste said that she has asked in multiple ways what are concrete ways to help change this relationship.

[REDACTED] there was a meeting where [REDACTED] and DAG Wilson raised their voices. [REDACTED] of the executive leadership team, they [REDACTED] their meeting starts. In this instance, [REDACTED] went straight to DAG Wilson's office to speak with him. [REDACTED] stated that it was not unusual [REDACTED] talk loudly to DAG Wilson. [REDACTED] asserted that [REDACTED] raises her voice or yells at DAG Wilson frequently. [REDACTED] did note that [REDACTED] also spoke this way to individuals in the previous administration. [REDACTED] COS Viste to intervene at least two times while [REDACTED] was yelling, and COS Viste said something to the effect of she would monitor tone and let them just talk it out. There was a point where [REDACTED] DAG Wilson ask [REDACTED] to stop and that [REDACTED] would not let him talk. [REDACTED] DAG Wilson raise his voice, but she characterized it as defending himself. [REDACTED] was not sure what happened after the meeting but thought that the meeting lasted approximately thirty minutes. [REDACTED] raised her voice first and did the vast majority of the yelling. [REDACTED] found it to be distressing.

[REDACTED] DAG Wilson and [REDACTED] regarding a disagreement involving the [REDACTED] screaming in one phone and DAG Wilson screaming in another phone. The issue had to do with an [REDACTED] position with the [REDACTED] she told [REDACTED] to let it go. DAG Wilson wanted to know if she was upset, as [REDACTED] had alleged. [REDACTED] she wanted this individual but didn't want to engage. [REDACTED] DAG Wilson that she wasn't upset and told him to call [REDACTED]. [REDACTED] stated [REDACTED] is paying for the [REDACTED]. [REDACTED] Brian indicated that he wanted to be part of the conversation. [REDACTED] wanted a dedicated person to run the [REDACTED] from [REDACTED] and DAG Wilson was initially supportive. [REDACTED] had to let it go as DAG Wilson began supporting Brian in leading this project not her. [REDACTED]'s division is paying for the [REDACTED] but DCI Agents under Brian's supervision are running it with the support of DAG Wilson.

DAG Wilson recalled that in the summer of 2019 [REDACTED] presented him with the resume of an individual that would have potentially been a good fit to help develop the [REDACTED] scheduled for summer 2020. DAG Wilson gave [REDACTED] positive feedback about this individual. At another meeting, DAG Wilson inquired who found this individual and [REDACTED] was somewhat evasive and then acknowledged for the first time that she knew him from another agency where she had previously

worked. DAG Wilson indicated that he commented to ██████ that this individual looked like a good fit and sounds like a good idea. DAG Wilson said he did not hear anything further about this potential ██████ hire until approximately late October 2019. In late October 2019, DAG Wilson stated that ██████ said this individual was at DOJ and she wanted DAG Wilson to meet him. ██████ introduced this individual to DAG Wilson and COS Viste. DAG Wilson recalled COS Viste saying something to the effect of I think that was the interview after ██████ and this individual left. DAG Wilson indicated that ██████ had orchestrated that the following Monday this individual would come in for new employee orientation, but did not tell anyone in HR. DAG Wilson had previously directed HR that they cannot have any “handshake ██████” therefore, this individual could not start the orientation process until a background check and fingerprints were completed. ██████ said that Monday was the only day this individual was available for months. DAG Wilson said that there was a long email chain going back and forth and his focus was that the DOJ followed the HR rules.<sup>35</sup> DAG Wilson recalled ██████ pointing out different guidance from an outdated policy regarding fingerprinting from a policy she found online and he indicated to Jayne to treat this individual the way that HR had been onboarding new employees. DAG Wilson assumed ██████ was a part of this discussion as she was ██████ and was working with ██████ ██████ reached out in the morning on Friday, November 8, 2019 to see if this individual was good to come in for new employee orientation on the following Monday. DAG Wilson suggested that this individual come in for prints on Monday, but that the individual could not complete the new hire orientation at that time. DAG Wilson happened to run into ██████ in the front office in the middle of the day. DAG Wilson asked ██████ if this individual needed to start now and she said that it is fine if this individual started after the first of the year.

DAG Wilson stated that at their regular one-to-one meeting on Friday, November 8, 2019, ██████ spoke with DAG Wilson about the new employee orientation being held that Monday. DAG Wilson said that on that Monday HR was moving to a new format for employee orientation. DAG Wilson said that ██████ indicated that she had not been given an opportunity to provide any input on the ██████ portion of the new training and wanted HR to not use the new training on Monday or any other bi-weekly trainings moving forward. DAG Wilson called Jayne that afternoon and relayed what ██████ had told him, and Jayne was upset. Jayne told DAG Wilson that she had gotten input from ██████ staff on the training. DAG Wilson asked Jayne to not use the new format for Monday and she agreed even though it was obvious to DAG Wilson that Jayne was upset and biting her tongue. DAG Wilson stated the conversation with Jayne was difficult for both of them and he was upset he had to tell her not to use the new format. DAG Wilson sent an email to ██████ that relayed that Jayne complied with her request and suggested that ██████ talk to Jayne to provide her input on the training.<sup>36</sup> ██████’s response to DAG Wilson contradicted his email recitation of ██████ involvement in the training development and expressed why it was an inaccurate portrayal of the events.<sup>37</sup>

According to DAG Wilson’s statement, minutes after hitting send on her email ██████ barged into his office, raised her voice, pointed her finger, and said, “we just lost [the ██████ individual for ██████ ██████]” DAG Wilson was surprised as he thought they had worked out a solution. DAG Wilson said ██████ was also upset at Jayne and said Jayne was inaccurate in her rendition of getting feedback from ██████ on the training. DAG Wilson said that ██████ began yelling about Jayne and that he was mischaracterizing Jayne’s outreach to ██████ in his email. DAG Wilson was upset as Jayne had gone out of her way to change the training and ██████ was imputing bad faith to her colleague and had zero

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<sup>35</sup> See Exhibit D.

<sup>36</sup> See Exhibit E.

<sup>37</sup> See Exhibit E.



appreciation for [REDACTED] agreeing to not use the new training on Monday. DAG Wilson admitted that he did yell back at [REDACTED]. DAG Wilson indicated that he may have said the word bulls—t, but not in a demeaning way. DAG Wilson stated that [REDACTED] brought up the potential LTE individual again and said that [REDACTED] was upset about losing this individual and how an issue had been handled with one of [REDACTED]'s employees. DAG Wilson indicated that if what [REDACTED] was saying was true then he was going to contact [REDACTED] and ask if she was upset. DAG Wilson said that the meeting devolved, and [REDACTED] was angry and left his office. DAG Wilson felt that when he got angry [REDACTED] appeared pleased with herself for pushing his buttons. DAG Wilson confirmed that he called [REDACTED]. DAG Wilson asked [REDACTED] if she was upset about the LTE individual and [REDACTED] indicated that she had no issues. DAG Wilson asked her about the issue with her employee and [REDACTED] said something to the effect of do not pay attention to [REDACTED]. DAG Wilson then went to [REDACTED]'s office and said he had spoken with [REDACTED]. DAG Wilson told [REDACTED] that he was not going to follow-up on the LTE individual, because [REDACTED] indicated it was a non-issue. DAG Wilson said he did not raise his voice, but that [REDACTED] shut the door. DAG Wilson characterized the conversation as not friendly. DAG Wilson asserted that he was in [REDACTED]'s office for approximately a minute and that they were standing. DAG Wilson left [REDACTED]'s office. DAG Wilson and [REDACTED] communicated a couple of times over email later that evening, as part of an ongoing email trail regarding hiring the LTE individual.<sup>38</sup> DAG Wilson made it clear that based on [REDACTED] not having an issue they would work towards a different solution on the LTE individuals' onboarding.<sup>39</sup> On Monday, November 10, 2019, [REDACTED] sent a conciliatory email to Jayne and cc'd DAG Wilson.<sup>40</sup>

DAG Wilson asserted that when he yelled at [REDACTED], in response to her yelling at him, that was an anomaly. DAG Wilson commented that regardless of [REDACTED]'s tone he felt it was inappropriate of him to react in that manner and has never acted that way before or since. DAG Wilson indicated that he apologized to COS Viste and AG Kaul for his actions as well as [REDACTED] [REDACTED] [REDACTED] [REDACTED] during the incident. DAG Wilson indicated that he apologized to [REDACTED] for yelling at her the following week at a meeting with [REDACTED], COS Viste, and himself.

During the interviews, DAG Wilson received positive commentary on his working relationship with several female employees, who represent different levels of management. Jayne Swingen described her working relationship with DAG Wilson as excellent and noted that he encourages her and is supportive of her in her work. Jayne did not recall any instances where she observed DAG Wilson treating male-identified or female-identified individuals differently in the workplace or raising his voice. Jayne noted that DAG Wilson likes to talk to individuals in person regarding issues. [REDACTED] [REDACTED] described her working relationship with DAG Wilson as great and commented that DAG Wilson has helped her perform to the best of her ability. [REDACTED] had an issue with [REDACTED] Brian O'Keefe, and stated that DAG Wilson conveyed his support and human resources reiterated DAG Wilson's support for her in filing a complaint or not filing a complaint. [REDACTED] [REDACTED] described her interactions with DAG Wilson as pleasant and cordial. [REDACTED] has not noticed any difference in the way that DAG Wilson treats male or female identified individuals. [REDACTED] recalled DAG Wilson losing his cool in defending [REDACTED] to a member of the community. [REDACTED] [REDACTED] described DAG Wilson as collaborative and analytical. [REDACTED] said DAG Wilson is process-minded and looks at the big picture when working through issues. [REDACTED] said that DAG Wilson is always professional and if there is a disagreement he talks through the issues. [REDACTED] said that DAG Wilson treats men and women the same. COS Viste stated that she likes working with DAG Wilson as a member of the executive leadership team and that she feels that DAG

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<sup>38</sup> See Exhibit D.

<sup>39</sup> See Exhibit D.

<sup>40</sup> See Exhibit F.

Wilson respects her and listens to her. COS Viste said that DAG Wilson is open to feedback and she has not seen a difference in the way that he treats male and female identified individuals and that most of the individuals reporting to him are female identified. Brian also stated that has not witnessed DAG Wilson treating female identified individuals differently than male identified individuals.

DAG Wilson asserted that he does not treat employees differently whether they are female identifying, male identifying, or nonbinary. DAG Wilson outlined his commitment by detailing efforts he has undertaken at DOJ to promote efforts to diversify and create an inclusive work environment. DAG Wilson has two male-identified direct reports and seven female-identified direct reports. DAG Wilson described his management style as inclusive and that he tries to get all the different voices he needs in the room on a topic to hear from all sides. DAG Wilson said that he is receptive to criticism, feedback, and differences of opinion. DAG Wilson stated that he encourages individuals to speak up regardless of their position in the hierarchy of the organization. DAG Wilson stated that he has an open-door policy that anybody can come and speak with him. DAG Wilson said that he tries to balance the potential perception of undermining management authority by managers and following his open-door policy of communicating with DOJ employees regardless of position.

This investigation is limited to whether DAG Wilson engaged in the use of profane or abusive language, bullying, harassing, or demeaning behavior towards female employees. This investigation does not review or analyze whether alleged behaviors are a violation of DOJ policy or work rules. As to specific definitions for the terms profane or abusive language, bullying, harassing, or demeaning behavior that is for DOJ to analyze whether behaviors identified by the investigators meet the DOJ definitions as outlined in DOJ practice, policy, or work rules. This reasoning and analysis does not include an examination of every statement or examples, but does take into account all information that was gathered during the course of the investigation.

Upon review, it is apparent that DAG Wilson has positive working relationships with many female employees at DOJ. That being said, we find by a preponderance of the evidence that there were instances that DAG Wilson treated individuals, who identify as female, differently than their colleagues. The merit of DAG Wilson's treatment of those individuals is for DOJ to determine. It should be noted that we do not find that DAG Wilson treated those individuals differently because the individuals identify as female.

██████████ DAG Wilson's behavior has been aggressive or argumentative in meetings. ██████ stated that at times DAG Wilson is non-responsive or is unwilling to listen to her. ██████ she considered stepping away from ██████ and/or ██████ to limit her interactions with DAG Wilson and has discussed this with her supervisor. ██████ the first time she felt that DAG Wilson stepped out of line with her was on a ██████ ██████ said that DAG Wilson kept interrupting her and that he liked ██████ ██████ spoke with her supervisors ██████ and relayed how she was treated by DAG Wilson and said something to the effect of that she wouldn't allow him to treat her that way again. ██████ said that she wrote a ██████ memo on this ██████ inquiry, because she knew DAG Wilson would not listen to her in a verbal conversation on this issue. ██████ said that ██████ that assisted her in this ██████ inquiry, ██████ ██████, who she also happens to supervise, came to her at one point and said something to the effect of I do not want to be in a meeting DAG Wilson again. ██████ ██████ corroborated ██████'s statement regarding the ██████ ██████ stated that she does not have a lot of interaction with DAG Wilson, but she worked on a project that required two meetings in which DAG Wilson was present. ██████ described his communication style in those meetings as directive rather than receptive. ██████ stated that she did not necessarily agree with DAG Wilson's opinion on the ██████ and was not given a reason for this opinion. ██████ said that DAG Wilson was not

receptive to hearing her opinion. █████ commented that DAG Wilson really “jumped on” █████ and was not receptive. █████ described DAG Wilson’s behavior as pretending to █████ that he thought █████ was wrong. █████ stated that she thought that DAG Wilson was condescending, and she has not had an experience like that where someone was not receptive. █████ said that she did not participate or say much in the meeting, because she saw the way █████ was treated. █████ corroborated █████’s statement that she told █████ that “I don’t really want to be in a meeting with Eric again.” DAG Wilson stated that he and █████ had different █████ opinions on this █████ DAG Wilson stated █████ made statements to the effect █████ prepared on this request was sided that way. DAG Wilson said his █████ opinion differed and that it was █████ DAG Wilson indicated that AG Kaul rejected her █████ for the same reasons that he did. We find that it is more likely than not that DAG Wilson’s communication and behavior was concerning in this instance, as it was apparent that aspects of DAG Wilson’s management style negatively impacted employees in the workplace.

█████ DAG Wilson was more involved with managing █████ than he was other divisions and that he did not always include her in discussions involving management of █████ or follow-up with her. █████ several examples of instances where DAG Wilson was involved with managing █████ or speaking with █████ employees or those outside DOJ without her knowledge about █████ DAG Wilson did not deny speaking with █████ employees or speaking with the Chief outside of DOJ regarding concerns about █████ and the █████ program. DAG Wilson relayed to █████ that it is a spectrum in that sometimes he will address issues with her first and others where he will not. █████ another example of the meeting, which was outside of DOJ hiring practice, with █████. █████ was not aware of the meeting held by DAG Wilson and Jayne and she was not invited. █████ that she found out about the meeting from the █████ at the time, █████, after she heard about it from one of her employees. DAG Wilson and Jayne Swingen confirmed that she was not invited and that there was no follow-up with █████ or █████ regarding the feedback about █████. DAG Wilson stated that he did discuss █████ with █████. █████ recalled that █████ raised an issue with DAG Wilson micro-managing █████ but has not heard that from other █████ COS Viste stated that DAG Wilson was more hands on with addressing the issues in █████ right away from the beginning. █████ believes that DAG Wilson treats █████ differently than he treats other managers. █████ based on his observations DAG Wilson is more condescending, gives less credence to her judgment, and is more willing to talk over her than others. █████ corroborated █████’s assertion that DAG Wilson micro-manages █████ DAG Wilson reaches down into █████ and micromanages and circumvents █████ in decision-making and gave examples. No other person interviewed as part of this investigation raised a concern or indicated that DAG Wilson was heavily involved in the management of their division. Upon review of all the witness statements and submitted materials, we find by a preponderance of the evidence that DAG Wilson was heavily involved in the managing of █████

█████ had a conversation with DAG Wilson and a meeting was held, where █████ █████ said █████ staff was incompetent. █████ █████ said something to the effect of █████ does not know how to do her job, but that █████ was helping her. █████ a █████ was getting scolded █████ and DAG Wilson did nothing to stop it. █████ DAG Wilson that it was inappropriate and unprofessional, and DAG Wilson did not see what the big deal was. COS Viste recalled the meeting and said it did not go well and that the issue was tone. COS Viste indicated that █████ said something to the effect of █████ is new here and I have been teaching her. COS Viste confirmed that DAG Wilson did not step in to address █████’s tone in the meeting. DAG Wilson recalled a meeting being held regarding

approval processes and ██████████ running it. DAG Wilson was present at the meeting and did not think that ██████████ was berating or disrespectful to ██████████, but afterward he received an email from ██████████ ██████████ about the treatment of ██████████ in this meeting ██████████. While there were issues regarding tone in the meeting described above, we do not find by a preponderance of the evidence that such tone was specifically encouraged or directed by DAG Wilson. We note that whether to address the specific employee conduct at issue in the meeting is a management decision that is outside of the scope of this investigation.

██████████  
██████████  
██████████ DAG Wilson did not do a 360-degree in-depth performance review that included interviews with staff of ██████████. DAG Wilson ██████████ performed a performance review of ██████████ that included six or seven in-person interviews with ██████████ staff. DAG Wilson indicated that all of her previous performance reviews were glowing and that all the feedback from ██████████'s staff was positive. DAG Wilson confirmed that he conducted performance reviews of ██████████ around the same time and that he did not interview their staff as part of their review. DAG Wilson stated that he did not interview their staff, because he wasn't concerned. DAG Wilson conducted a 360-degree performance evaluation of Brian O'Keefe. Brian's performance review was part of the decision to move Brian to permanent status. DAG Wilson asserted that he did not receive any complaints from ██████████'s employees, but that he was concerned for ██████████ staff based on ██████████'s treatment of him, her interpersonal skills he has witnessed, and a conversation he had with an individual in a different department that allegedly had negative interactions with who is no longer at DOJ. DAG Wilson said that he believes in treating people equitably not necessarily equally depending on individual circumstances. We find by a preponderance of the evidence that ██████████ was treated differently than her colleagues by DAG Wilson in conducting the 360-degree performance review.

██████████ and DAG Wilson, ██████████ engaged in a disagreement regarding the ██████████ position for the ██████████. DAG Wilson admitted to yelling at ██████████ but indicated that the yelling was in response to ██████████ barging into his office and yelling at him. COS Viste stated that they both were shouting at each other. ██████████ indicated that ██████████ this disagreement but indicated that ██████████ yelled first. ██████████ and DAG Wilson statements differed on who yelled at whom first and the tone used in DAG Wilson's follow-up conversation in ██████████'s office. We find by a preponderance of the evidence that DAG Wilson yelled at ██████████ in the initial meeting in his office based on his own admission and corroborating statements.

Based on the witness statements and supporting materials, we find by a preponderance of the evidence that DAG Wilson treated individuals, who identify as female, differently than their colleagues. We do not find that DAG Wilson treated individuals differently because they identify as female. In addition, we find that it is more likely than not that DAG Wilson engaged in behavior of concern in relation to his handling of a public records request.

## 2. Alleged potential discrimination based on protected class or perceived protected class in imposing workplace conditions relating to an employee's personal life.

There were allegations that DAG Wilson engaged in potential discrimination based on protected class or perceived protected class in imposing workplace conditions relating to an employee's personal life.

█████ noted in her interview that to her knowledge there has been no inquiries or actions taken regarding Brian's potential favoritism towards one of █████ employees in █████. DAG Wilson noted that █████ and █████ made allegations that Brian showed favoritism towards this employee, who is also the employee that filed a complaint against █████. DAG Wilson said that since he took office, he was only aware of allegations that DCI gave this employee access to the █████ Office. COS Viste stated that there seems to be a perception that Brian favors this employee under █████'s supervision. COS Viste confirmed that she has discussed this issue with DAG Wilson. COS Viste gave the examples of Brian reaching out to have this employee assist DCI even though she was in █████ which is █████'s division and noted that this employee has used Brian's purchasing card.

█████ there were similar complaints that she showed favoritism to one of █████ employees, █████ alleges DAG Wilson alleged that there was an █████. █████ also indicated that her █████ alleged that █████ was showing favoritism to █████. █████ stated that she has never had █████. █████ asserted that she was treated differently than Brian by human resources and DAG Wilson in response to allegations of favoritism in that they attempted to remove her ability to have █████ report to her. COS Viste said that she did get the sense that DAG Wilson thought █████ was playing favorites with █████ employee █████ and that there was a dispute over who █████ was going to report to after DAG Wilson █████. COS Viste recalled DAG Wilson saying something to the effect of █████ cannot report to █████. COS Viste said █████ insisted that █████ report to her and that is the way it stayed. COS Viste did not recall DAG Wilson or anyone else insinuating █████.

DAG Wilson acknowledged that communication should have been better with █████ regarding █████. DAG Wilson said that he and Jayne Swingen attended a meeting with staff from █████ during the recruitment of a █████. DAG Wilson said that they have not held such a meeting in any other search processes; however, they have deviated from process and did an additional "second look" interview on a recent █████ hire. DAG Wilson indicated that in the meeting the staff gave veiled comments about what they were looking for in a leader that led DAG Wilson to believe that it may have been negative feedback about █████. DAG Wilson stated that staff indicated that they felt that the █████ "greased the wheels" so that someone with █████'s qualifications could get the position. DAG Wilson said that there was also feedback that the █████ and this feedback led to that halt for the recruitment for a █████ and the eventual █████. DAG Wilson said that █████ was not at the meeting, but that he did discuss █████ with █████. DAG Wilson did not recall an allegation of █████ accusing him on a phone call of thinking that █████. DAG Wilson did not recall █████ raising her voice at him on that phone call, which was part of the █████ conversation.

Jayne confirmed that the meeting occurred, and that the intent of the meeting was to have a discussion as to whether the individual in that position needed to have a law enforcement background, not to discuss █████. Jayne did not recall such a meeting being held in any other hiring situation. Jayne recalled that after the first half hour of the meeting that it turned into a negative discussion about █████. Jayne

indicated that she was not aware of any allegation [REDACTED]

[REDACTED] after the meeting that DAG Wilson put a halt to the hiring process. [REDACTED] the meeting began as a feedback session and that the meeting turned into a discussion of all the things that staff did not like about [REDACTED] was not notified of this decision, except through an email that went out to everyone. [REDACTED] indicated that she had a follow-up conversation with DAG Wilson and that his response was flippant and told her to

[REDACTED]

were going to have a meeting about [REDACTED]. A meeting was held with [REDACTED], DAG Wilson, Jayne, [REDACTED], and another member of human resources. In this meeting, [REDACTED] asked DAG Wilson about having the meeting with [REDACTED]'s staff without her knowledge. [REDACTED] said DAG Wilson did not say a word to that but did relay that [REDACTED]'s [REDACTED] [REDACTED] said that DAG Wilson said something to the effect of that he was trying to help her, and [REDACTED]'s response was how are you helping me. [REDACTED] asserted that she told DAG Wilson that this was unacceptable, to leave [REDACTED] alone, and that [REDACTED] needs to report to her. [REDACTED] asserts that DAG Wilson thought [REDACTED] [REDACTED]. [REDACTED] asked DAG Wilson [REDACTED] [REDACTED] said that DAG Wilson did not respond to that question. [REDACTED] stated that this is where the issue was left and that [REDACTED] reports to her. [REDACTED] asserted that during her time at DOJ she was not aware of any other administration engaging in the practice of meeting with staff of an internal candidate in the manner that DAG Wilson did in this instance. [REDACTED] stated that had she known about the meeting she would have insisted on being there.

This investigation is limited to whether DAG Wilson engaged in potential discrimination based on protected class or perceived protect class in imposing workplace conditions relating an employee's personal life. There was not a formal complaint made regarding favoritism against [REDACTED] or Brian or any formal human resources action taken. DAG Wilson was aware of the perceptions of favoritism and did not authorize or approve an investigation into the allegations.

[REDACTED] she was treated differently than Brian by DAG Wilson and HR was based on the potential removal of [REDACTED] reporting [REDACTED] was not to report to her due not only to allegations of favoritism, but also allegations [REDACTED]. This was not corroborated by witness statements. Both [REDACTED] and COS Viste confirmed statements by DAG Wilson that [REDACTED] was not to report to [REDACTED] but they each gave very different reasons behind that statement. [REDACTED] alleged that DAG Wilson made comments about [REDACTED] [REDACTED] perceived DAG Wilson's comments to

but [REDACTED] indicated that DAG Wilson never said that he thought [REDACTED]. COS Viste indicated that the supervisor comment was made in relation to the [REDACTED]. DAG Wilson indicated that there was a perception of favoritism by the staff in [REDACTED] from their statements that [REDACTED] “greased the wheels” for [REDACTED] to get the position. [REDACTED] blatantly asked in a meeting if DAG Wilson was accusing her [REDACTED], but this was not recalled or discussed by anyone else that was interviewed that was in that meeting. DAG Wilson did not recall an allegation of [REDACTED] and [REDACTED] or [REDACTED] accusing him on a phone call of thinking that about [REDACTED]. Based on the witness interviews, we find that it is more likely than not there was not any potential action taken to remove [REDACTED] from [REDACTED]’s supervision and it was not based on [REDACTED].

Regarding whether [REDACTED] and Brian were treated differently, we find that it is more likely than not that DAG Wilson did not treat [REDACTED] and Brian differently in addressing potential favoritism. We note that there is a difference in [REDACTED] and Brian’s situation, as the employee that Brian is alleged to have favored is not under his supervision. While there may have been discussion regarding removing [REDACTED] from [REDACTED]’s supervision, that never came to fruition.

**3. Alleged potential discrimination based on protected class or perceived protected class in determining whether to investigate and take human resources action against an employee regarding allegations of misconduct.**

This investigation is limited to whether DAG Wilson engaged in potential discrimination in deciding to investigate and take human resources action against an employee for alleged misconduct. This investigation did not analyze the merits of the reports, corresponding human resources actions or investigations, or the outcomes of the human resources actions or investigations undertaken.

[REDACTED] asked questions about Brian, a white male identifying individual. [REDACTED] spoke to AG Kaul and COS Viste regarding her concerns and it was her understanding that the department was going to review the matter. [REDACTED] AG Kaul and COS Viste that Brian did not respect her personally or professionally. [REDACTED] specific individuals for them to speak to regarding Brian’s behavior in the workplace, but she was concerned that they would be reluctant to speak with them. COS Viste recalled [REDACTED] raising concerns that Brian is part of [REDACTED]. COS Viste said that [REDACTED] also alleged that Brian is verbally abusive in the workplace and unfairly targets individuals that are not loyal to him. COS Viste stated that DAG Wilson conducted a performance review and spoke with a lot of Brian’s direct reports. COS Viste noted that there was not a discussion or relay of concerns regarding Brian’s conduct in the workplace from the prior administration. DAG Wilson stated that he was aware of potential issues regarding Brian as well as concerns raised by [REDACTED]. DAG Wilson indicated that he examined those reports and concerns as part of a performance review of Brian to move him from probationary to permanent status [REDACTED] regarding Brian which led to the administration moving him from temporary to permanent status. DAG Wilson stated that he met in-person with every SAC as part of the performance review. DAG Wilson did not speak with other [REDACTED] as part of his review. [REDACTED] reported that [REDACTED] indicated to [REDACTED] that she was afraid of Brian, which led to [REDACTED] sending an email that [REDACTED] [REDACTED] then discussed what [REDACTED] relayed to her to [REDACTED] and the [REDACTED].

DAG Wilson stated that he has addressed any issues reported to him as needed with Brian. DAG Wilson said that he verbally reprimanded Brian for giving a television interview for a national news show. DAG

Wilson approved an investigation by HR into allegations that Brian accepted a dinner he should not have, and Brian was required to pay for the dinner. As part of an investigation into [REDACTED] [REDACTED], DAG Wilson became aware that Brian recorded [REDACTED] in the workplace. Brian confirmed in his statement that he recorded [REDACTED] in the workplace. DAG Wilson stated that he did not formally discipline Brian for this behavior [REDACTED]. DAG Wilson spoke to Brian about this conduct and directed that he is never to do that again. Jayne commented in her interview that there is no formal DOJ workplace policy prohibiting recording another employee. DAG Wilson said he heard what he called one-off stories about Brian from his time during the prior administration as well as the current administration that aligned concerns that were raised by [REDACTED] [REDACTED] and reported to him by [REDACTED] [REDACTED]. In relation to an issue involving [REDACTED], DAG Wilson verbally reprimanded Brian for his actions regarding [REDACTED]. An in-depth examination of the concerns raised regarding Brian are being addressed through a separate investigation.

DAG Wilson approved an investigation into [REDACTED] [REDACTED] regarding a complaint of hostile work environment relayed by Brian that was made by one of [REDACTED] employees, a white female identifying individual. DAG Wilson stated that he had received similar complaints regarding [REDACTED] from other employees. The investigation resulted in no finding of misconduct against [REDACTED]. Subsequently, DAG Wilson approved an inquiry into potential procurement violations made by this employee. The result of that inquiry was that it was performance issue. DAG Wilson also approved an investigation into [REDACTED]'s former [REDACTED], a white male identifying individual, regarding time reporting. The result of this investigation was a letter of expectation placed in this individual's file.

We find that it is more likely than not that DAG Wilson decided to investigate and take human resources action against an employee for alleged misconduct without an indication of discrimination based on protected class or perceived protected class. [REDACTED] was investigated for alleged employee misconduct just as Brian was investigated or verbally reprimanded as appropriate. DAG Wilson verbally reprimanded Brian on more than one occasion and authorized an investigation once. Also, DAG Wilson conducted a thorough performance review that included in-person meetings with Brian's SACs. In addition, DAG Wilson, corroborated by Jayne's statement, indicated inquiry or investigation of employees allegedly engaged in employee misconduct, both of whom reported to [REDACTED], that were white identifying. As previously stated, this investigation is limited to whether DAG Wilson engaged in potential discrimination in deciding to investigate and take human resources action against an employee for alleged misconduct. This investigation did not analyze DAG Wilson's decision to investigate or take human resources action or the outcomes of the human resources actions or investigations undertaken beyond review for potential discriminatory intent. With this limitation in mind, we find that it is more likely than not that DAG Wilson did not engage in discrimination based on protected class or perceived protected class in deciding to investigate and take human resources action against an employee for alleged misconduct.

#### **4. Alleged failure to act on reports of alleged misconduct and discrimination in the workplace and pay based on protected class or perceived protected class.**

This investigation is limited to whether DAG Wilson failed to act on multiple employee and supervisor reports of alleged misconduct and discrimination in the workplace and pay based on protected class or perceived protected class or perceived protected class and whether DAG Wilson's response was impacted by discrimination based on protected class or perceived protected class. This investigation did not review whether there is in fact a pay inequity, so the interviews and materials were viewed through the limited lens of whether DAG Wilson took appropriate action upon receiving reports of alleged misconduct and discrimination in the workplace and in pay.



Jayne received reports from [REDACTED] and [REDACTED] that alleged the inequity of [REDACTED]'s pay in comparison to other similarly situated [REDACTED] and that Jayne failed to act on the reports. Jayne indicated that [REDACTED] reported the alleged issue with [REDACTED]'s pay on November 5, 2019. Jayne stated that [REDACTED] had repeatedly raised issues with her pay from the time that she was hired but did not allege discrimination until approximately November 2019. Jayne indicated that [REDACTED] raised the issue of her pay and discrimination when the new [REDACTED] was hired, which was corroborated by [REDACTED]'s interview. [REDACTED] indicated that she went to Jayne when the new [REDACTED] was hired and said something to the effect of if the new [REDACTED] makes more money than me it is going to be an issue. [REDACTED] indicated in her statement that [REDACTED] raised discrimination regarding her pay when the new [REDACTED] was being hired. [REDACTED] stated that her salary as [REDACTED] is less than her predecessor's and all the [REDACTED] at DOJ, including the new [REDACTED] stated that her pay is also less than the [REDACTED]. [REDACTED] indicated that she identifies [REDACTED] white male or female identified individuals and the [REDACTED] is also believed to be white male identifying. Jayne stated that she went over options with AG Kaul and suggested that the administration meet with [REDACTED] on this issue. [REDACTED] recalled having a meeting with COS Viste and AG Kaul on approximately November 1, 2019 and they discussed her pay issue as well as pay issues with two other employees' salaries. COS Viste indicated that the meeting and conversation that [REDACTED] referenced was held.

Jayne asserted that she relayed to DAG Wilson that [REDACTED] specifically raised the issue of discrimination regarding her pay after the November 4, 2019 [REDACTED] Meeting. Jayne indicated that she discussed the pay discrepancy with COS Viste, AG Kaul, DAG Wilson, and Corey. Jayne provided handwritten notes from her meetings with DAG Wilson that indicated topics that were covered in their meetings.<sup>41</sup> The notes show that the Jayne discussed [REDACTED]'s complaint about her pay on October 29, 2019, November 6, 2019, November 13, 2019, and November 20, 2019. Jayne said that there were several discussions regarding potential ways that this could be remedied. Jayne stated that there was no discussion about whether the matter should be investigated as a complaint of discrimination, instead the focus was on mediation and remediation.

DAG Wilson recalled Jayne reporting to him that [REDACTED] had an issue with her pay but stated that [REDACTED] never directly reported to him a concern with her pay. DAG Wilson also indicated that the timing of [REDACTED]'s complaint coincided with the hiring of the [REDACTED]. DAG Wilson said Jayne reported that [REDACTED] said something to the effect of that they better not pay the [REDACTED] more than her. DAG Wilson asserted that he was not involved in setting [REDACTED]'s pay or setting pay for any [REDACTED] state employee [REDACTED]. DAG Wilson stated that COS Viste asked him about pay for the new [REDACTED] and they discussed the previous individual in her role's salary with the proper government wage adjustment. DAG Wilson stated that he asked Jayne to explore ways to potentially address [REDACTED]'s pay issue if an adjustment is deemed warranted by AG Kaul. DAG Wilson noted that AG Kaul and COS Viste make decisions regarding [REDACTED] pay. DAG Wilson remembered suggesting to COS Viste that she and AG Kaul speak with [REDACTED] on this issue. DAG Wilson said that [REDACTED] also raised this issue. DAG Wilson did not recall that [REDACTED] raised discrimination as part of her concern with her pay but [REDACTED].

Based on the witness statements and supporting documents, it is more likely than not that DAG Wilson acted on reports of pay inequity related to [REDACTED] and that his response was timely and not unduly delayed. DAG Wilson asked Jayne to explore ways to potentially make an adjustment to [REDACTED]'s pay if deemed warranted, which was confirmed by Jayne. DAG Wilson also suggested that COS Viste and AG

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<sup>41</sup> See Exhibit I.

Kaul speak with [REDACTED] on this issue, which was confirmed to have occurred by COS Viste. This investigation is limited to whether DAG Wilson acted on the report of [REDACTED]'s complaint regarding her pay and not an analysis or review of the actions that he took. With this limitation in mind, we find that it is more likely than not that DAG Wilson did not fail to act on reports of alleged pay discrimination based on protected class or perceived protected class.

[REDACTED] questions about Brian, a white male identifying individual. [REDACTED] DAG Kaul and COS Viste regarding her concerns and it was her understanding that the department was going to review the matter. [REDACTED] DAG Kaul and COS Viste that Brian did not respect her personally or professionally. [REDACTED] provided specific individuals for them to speak to regarding Brian's behavior in the workplace, but she was concerned that they would be reluctant to speak with them. COS Viste recalled [REDACTED] raising concerns that Brian is part of [REDACTED] COS Viste said that [REDACTED] also alleged that Brian is verbally abusive in the workplace and unfairly targets individuals that are not loyal to him. COS Viste stated that DAG Wilson conducted a performance review and spoke with a lot of Brian's direct reports. COS Viste noted that there was not a discussion or relay of concerns regarding Brian's conduct in the workplace from the prior administration. DAG Wilson stated that he was aware of potential issues regarding Brian as well as concerns raised by [REDACTED]. DAG Wilson indicated that he examined those reports and concerns as part of a performance review of Brian to move him from probationary to permanent status. DAG Wilson stated the feedback was overwhelmingly positive regarding Brian which led to the administration moving him from temporary to permanent status. DAG Wilson stated that he met in-person with every SAC as part of the performance review. DAG Wilson did not speak with other DAs as part of his review. [REDACTED] [REDACTED] reported that [REDACTED] indicated to [REDACTED] that she was afraid of Brian, which led to [REDACTED]

DAG Wilson stated that he has addressed any issues reported to him as needed with Brian. DAG Wilson said that he verbally reprimanded Brian for giving a television interview for a national news show. DAG Wilson approved an investigation by human resources into allegations that Brian accepted a dinner he should not have, and Brian was required to pay for the dinner. As part of an investigation into [REDACTED] [REDACTED], DAG Wilson became aware that Brian recorded [REDACTED] in the workplace. Brian confirmed in his statement that he recorded [REDACTED] in the workplace. DAG Wilson stated that he did not formally discipline Brian for this behavior [REDACTED] DAG Wilson spoke to Brian about this conduct and directed that he is never to do that again. Jayne commented in her interview that there is no formal DOJ workplace policy prohibiting recording another employee. DAG Wilson said he heard what he called one-off stories about Brian from his time during the prior administration as well as the current administration that aligned concerns that were raised by [REDACTED] [REDACTED] and reported to him by [REDACTED] [REDACTED]. In relation to an issue involving [REDACTED], DAG Wilson verbally reprimanded Brian for his actions regarding [REDACTED]. An in-depth examination of the concerns raised regarding Brian are being addressed through a separate investigation.

DAG Wilson approved an investigation into [REDACTED] [REDACTED] regarding a complaint of hostile work environment relayed by Brian that was made by one of [REDACTED] employees, a white female identifying individual. DAG Wilson stated that he had received similar complaints regarding [REDACTED] from other employees. The investigation resulted in no finding of misconduct against [REDACTED]. Subsequently, DAG Wilson approved an inquiry into potential procurement violations made by this employee. The result of that inquiry was that it was performance issue. DAG Wilson also approved an investigation into [REDACTED]

██████████ a white male identifying individual, regarding ██████████. The result of this investigation was a letter of expectation placed in this individuals file.

We find that it is more likely than not that DAG Wilson acted on reports of alleged employee misconduct and that follow up action was taken without an indication of discrimination based on protected class or perceived protected class. ██████████ was investigated for alleged employee misconduct just as Brian was investigated or verbally reprimanded as appropriate. In addition, DAG Wilson, corroborated by Jayne's statement, indicated inquiry or investigation of employees allegedly engaged in employee misconduct, both of whom reported to ██████████, that were white identifying. Based on the witness statements and materials reviewed, there was no indication that DAG Wilson unduly delayed or was not timely in responding to reports of alleged misconduct. This investigation is limited to whether DAG Wilson acted on reports of alleged employee misconduct and not an analysis or review of the decisions DAG Wilson made as to employee discipline. With this limitation in mind, we find that it is more likely than not that DAG Wilson did not fail to act on reports of alleged employee misconduct based on protected class or perceived protected class.

## VI. CONCLUSION

This investigation is limited to reviewing the allegations individually and determining whether DAG Wilson engaged in such behavior in the workplace in fact and not whether any behavior that occurred is a violation of DOJ policy or definitions of such behavior as outlined in DOJ workplace policies. The witness interviews and materials were viewed through the limited lens of whether it is more likely than not that DAG Wilson engaged in such behavior in the workplace.

The first allegation was that there were multiple reports of use of profane or abusive language, bullying, harassing, or demeaning behavior towards female employees. While we find by a preponderance of the evidence that DAG Wilson treated individuals, who identify as female, differently than their colleagues as it relates to the specifically identified matters we reviewed in this investigation, we do not find that DAG Wilson treated individuals differently because they identify as female. In addition, we find that it is more likely than not that DAG Wilson engaged in behavior of concern in relation to his handling of a public records request.

The second allegation was alleged potential discrimination based on protected class or perceived protected class in imposing workplace conditions relating to an employee's personal life. We find it is more likely than not that DAG Wilson did not impose workplace restrictions in a discriminatory manner.

The third allegation was alleged potential discrimination based on protected class or perceived protected class in determining whether to investigate and take human resources action against an employee regarding allegations of misconduct. We find that it is more likely than not that DAG Wilson did not discriminate based on protected class or perceived protected class in determining whether to investigate and take human resources action against an employee regarding allegations of misconduct.

The fourth allegation was alleged failure to act on reports of alleged misconduct and discrimination in the workplace and pay based on protected class or perceived protected class. We find that it is more likely than not that DAG Wilson did not fail to act on reports of alleged misconduct and discrimination in the workplace and pay based on protected class or perceived protected class.