

IN THE SUPREME COURT OF OHIO

STATE OF OHIO EX REL. KEITH POOL,

RELATOR,

v.

CITY OF SHEFFIELD LAKE

609 Harris Road
Sheffield Lake, Ohio 44054
and

MAYOR DENNIS BRING,

609 Harris Road
Sheffield Lake, Ohio 44054
RESPONDENTS.

RELATOR KEITH POOL'S MOTION TO SUPPLEMENT RECORD EVIDENCE

James A. Climer (0001532) (Counsel of Record)

Amy K. Herman (0092204)

Mazenac, Raskin & Ryder Co., L.P.A.

100 Franklin's Row

34305 Solon Road

Cleveland, OH 44139

Phone: (440) 248-7906 / Fax: (440) 248-7906

jclimer@mrrlaw.com

aherman@mrrlaw.com

Counsel for Respondents City of Sheffield Lake and Mayor Dennis Bring

Ashlie Case Sletvold (0079477) (Counsel of Record)

Jessica S. Savoie (0099330)

PEIFFER, WOLF, CARR, KANE & CONWAY, LLP

6370 SOM Center Road, Suite 108

Cleveland, Ohio 44139

Phone: (216) 589-9280 / Fax: (216) 258-0161

asletvold@peifferwolf.com

jsavoie@peifferwolf.com

Counsel for Relator Keith Pool

Relator Keith Pool respectfully moves the Court to allow him to supplement the evidentiary record in this case. In its July 27, 2022 entry granting the alternative writ in this public-records mandamus action, the Court gave the parties 20 days—or until August 16—to submit their respective evidence. Officer Pool timely submitted his evidence.

Since that deadline, his counsel received additional evidence from the Ohio Civil Rights Commission: probable-cause determinations in favor of relator and two of his co-workers—Officer A.J. Torres and dispatcher Sara Davis—finding that the City of Sheffield Lake discriminated against them, in part based on the type of records at issue in the present action. Relator's counsel had not yet received copies of the Letters of Determination from the Ohio Civil Rights Commission on the date evidence was due to be submitted in this matter, as set forth in Ex. 1. Relator respectfully requests that the Court grant this motion to supplement with this new evidence.

Dated: August 26, 2022

Respectfully submitted,

/s/ Ashlie Case Sletvold

Ashlie Case Sletvold (0079477) (Counsel of Record)

Jessica S. Savoie (0099330)

PEIFFER, WOLF, CARR, KANE CONWAY, & WISE LLP

6370 SOM Center Road, Suite 108

Cleveland, Ohio 44139

Phone: (216) 589-9280 / Fax: (216) 258-0161

asletvold@peifferwolf.com

jsavoie@peifferwolf.com

Counsel for Relator Keith Pool

CERTIFICATE OF SERVICE

I certify that on August 26, 2022, I served this document via email to counsel for Respondents at jclimer@mrrlaw.com and aherman@mrrlaw.com shortly after filing it with the Court's e-filing system.

/s/ Ashlie Case Sletvold
Ashlie Case Sletvold
Counsel for Relator Keith Pool

IN THE SUPREME COURT OF OHIO

STATE OF OHIO EX REL. KEITH POOL,

Relator,

v.

CITY OF SHEFFIELD LAKE

and

MAYOR DENNIS BRING,

Respondents.

AFFIDAVIT OF JESSICA SAVOIE

I, Jessica Savoie, having been duly sworn, state as follows:

1. I am over the age of 18 and competent to testify to the facts below based on my personal knowledge.
2. I am an attorney licensed to practice law in Ohio and Louisiana.
3. I represent Relator Keith Pool.
4. I also represent Officer A.J. Torres and Sara Davis, both of whom filed charges of discrimination with the Ohio Civil Rights Commission related to several of the documents at issue in the instant mandamus action.
5. The documents attached to this affidavit as **Exhibit A** are true and correct copies of my August 25, 2022 email exchange with Kathy O'Dell of the Ohio Civil Rights Commission.

EXHIBIT

1

6. The document attached to this affidavit as **Exhibit B** is a true and correct copy of the Ohio Civil Rights Commission Letter of Determination for Officer Keith Pool's charge of discrimination I received via email from Ms. O'Dell on August 25, 2022.
7. The document attached to this affidavit as **Exhibit C** is a true and correct copy of an email I received from Ms. O'Dell on August 19, 2022 attaching the Ohio Civil Rights Commission Letter of Determination for Officer A.J. Torres's charge of discrimination.
8. The document attached to this affidavit as **Exhibit D** is a true and correct copy of the Ohio Civil Rights Commission Letter of Determination for Officer A.J. Torres's charge of discrimination I received via email from Ms. O'Dell on August 19, 2022.
9. The document attached to this affidavit as **Exhibit E** is a true and correct copy of an email I received from Ms. O'Dell on August 19, 2022 attaching the Ohio Civil Rights Commission Letter of Determination for Sara Davis's charge of discrimination.
10. The document attached to this affidavit as **Exhibit F** is a true and correct copy of the Ohio Civil Rights Commission Letter of Determination for Sara Davis's charge of discrimination I received via email from Ms. O'Dell on August 19, 2022.

11. On the date evidence was due to be submitted the Court in this mandamus action (August 16, 2022), I had not yet received copies of these Letter of Determination (Exhibits B, D, and F hereto) from the Ohio Civil Rights Commission.

I declare the preceding facts to be true under penalty of perjury.

Dated: August 26, 2022



Jessica Savoie

State of Ohio)
)
) SS.
County of Cuyahoga)

Sworn and subscribed before me this 26th day of August, 2022.



Notary Public, State of Ohio
My commission does not expire.

From: [Jessica Savoie](#)
To: Kathy.Odell@civ.ohio.gov
Subject: RE: Pool v. City of Sheffield Lake, Division of Police (46822)
Date: Thursday, August 25, 2022 3:50:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Kathy,

Thank you so much!

Yes, our office recently moved, and we did set up mail forwarding from our old address to our new one. This letter must have gotten delayed in the forwarding process.

I look forward to speaking with you soon. Thanks again!

Jessica

Jessica Savoie
Of Counsel



6370 SOM Center Rd., Suite 108
Cleveland, OH 44139
Main: 216-589-9280 | **Direct:** 216-340-1803

Gender pronouns: she/her/hers

Please note that our Cleveland, Ohio office has moved to: 6370 SOM Center Rd., Suite 108, Cleveland, OH 44139. All phone numbers will remain the same.

peifferwolf.com



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From: Kathy.Odell@civ.ohio.gov <Kathy.Odell@civ.ohio.gov>
Sent: Thursday, August 25, 2022 3:16 PM
To: Jessica Savoie <jsavoie@peifferwolf.com>
Subject: RE: Pool v. City of Sheffield Lake, Division of Police (46822)

My apologies, I already emailed you the revised LODs for Audali Torres and Sara Davis (on August 19).

EXHIBIT
1-A

From: Kathy.Odell@civ.ohio.gov <Kathy.Odell@civ.ohio.gov>
Sent: Thursday, August 25, 2022 3:16 PM
To: Jessica Savoie <jsavoie@peifferwolf.com>
Subject: RE: Pool v. City of Sheffield Lake, Division of Police (46822)

My apologies, I already emailed you the revised LODs for Audali Torres and Sara Davis (on August 19).

Keith Pool's LOD is attached.

I noticed your new address at the bottom of your email – I believe your copies of the LODs were mailed to your old address.

Please let me know if you need anything else.

Kathy

From: O'Dell, Kathy
Sent: Thursday, August 25, 2022 2:45 PM
To: Jessica Savoie <jsavoie@peifferwolf.com>
Subject: RE: Pool v. City of Sheffield Lake, Division of Police (46822)

Jessica, do you need the LODs for all three cases, or just Mr. Pool's?

From: Jessica Savoie <jsavoie@peifferwolf.com>
Sent: Thursday, August 25, 2022 1:24 PM
To: O'Dell, Kathy <Kathy.Odell@civ.ohio.gov>
Subject: RE: Pool v. City of Sheffield Lake, Division of Police (46822)

Ms. O'Dell,

I still have not received the Letter of Determination by mail. Can you please provide a copy?

Thank you,

Jessica

Jessica Savoie
Of Counsel

PEIFFER WOLF
CARR KANE CONWAY & WISE

6370 SOM Center Rd., Suite 108
Cleveland, OH 44139
Main: 216-589-9280 | **Direct:** 216-340-1803

Gender pronouns: she/her/hers

Please note that our Cleveland, Ohio office has moved

**to: 6370 SOM Center Rd., Suite 108, Cleveland, OH
44139. All phone numbers will remain the same.**

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f in t

This message is intended for the named recipient(s) only. It may contain information protected by the attorney-client and/or work product privilege. If you have received this email in error, please notify the sender immediately, do not disclose this message to anyone, and delete the message and any attachments. Thank you very much. No attorney-client relationship is formed unless agreed to explicitly in writing.

From: Kathy.Odell@civ.ohio.gov <Kathy.Odell@civ.ohio.gov>

Sent: Friday, August 19, 2022 6:28 PM

To: Jessica Savoie <jsavoie@peifferwolf.com>

Subject: Pool v. City of Sheffield Lake, Division of Police (46822)

Good evening.

I have been assigned to conciliate a settlement between your client and Respondent in the above-referenced case. If all parties reach an agreement, everyone will sign a Conciliation Agreement and Consent Order (CACO) setting forth the terms. If the parties do not reach an agreement, an impasse will be declared and the Ohio Attorney General's office will handle the matter going forward.

A draft CACO was included with the Letter of Determination that you received; a copy is attached. It includes terms that the Commission proposes as full remedy. Your client also may propose terms.

Please send me your proposed settlement terms by **August 26**.

Feel free to contact me with any questions.

Kathy O'Dell
Supervisor
Ohio Civil Rights Commission
Cleveland Regional Office
216-787-5879 (direct)

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From: Kathy.Odell@civ.ohio.gov <Kathy.Odell@civ.ohio.gov>
Sent: Friday, August 19, 2022 6:28 PM
To: Jessica Savoie <jsavoie@peifferwolf.com>
Subject: Pool v. City of Sheffield Lake, Division of Police (46822)

Good evening.

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Please send me your proposed settlement terms by **August 26**.

Feel free to contact me with any questions.

Kathy O'Dell
Supervisor
Ohio Civil Rights Commission
Cleveland Regional Office
216-787-5879 (direct)

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OHIO CIVIL RIGHTS COMMISSION

Governor Mike DeWine

Commissioners: Lori Barreras, Chair | J. Rita McNeil Danish | William Patmon, III | Madhu Singh | Charlie Winburn
Executive Director Angela Phelps-White

August 11, 2022

Date mailed: August 11, 2022

Keith L. Pool
745 Lafayette Blvd.
Sheffield Lake, Ohio 44054

City of Sheffield Lake Division of Police
609 Harris Rd.
Sheffield Lake, Ohio 44054

LETTER OF DETERMINATION

Keith Pool v. City of Sheffield Lake, Division of Police
CLE74(46822)11152021; 22A-2022-01046

FINDINGS OF FACT:

Charging Party filed a charge of discrimination with the Ohio Civil Rights Commission alleging Respondent engaged in an unlawful discriminatory practice. All jurisdictional requirements for filing a charge have been met.

After receiving the charge, the Commission conducted an investigation into Charging Party's allegation against Respondent. During the investigation, the Commission considered relevant documents and testimony. The information gathered supports a recommendation that Respondent unlawfully discriminated against Charging Party.

Charging Party alleges he was subjected to racial harassment due to his race (Black) from former Chief of Police Anthony Campo since he was hired in September 2020 until most recently on June 25, 2021. Specifically, Charging Party alleges he was subjected to racial images, racially offensive remarks, and signs. Charging Party alleges former Chief Campo would also racially harass a Latino officer. On June 25, 2021, Charging Party stated former Chief Campo made a sign reading "Ku Klux Klan" and placed that over the "Police" label on his raincoat. There were other instances where former Chief Campo would make a pointy KKK hat out of paper and wear it around the station. Charging Party alleges this was done with the knowledge of one or more superior officers. Furthermore, Charging Party alleges other police officers would attest to the fact that former Chief Campo interfered with his application and had made statements about never hiring a "n****r".

Based on information gathered and witness testimony, including that from Chief Campo, the Commission confirmed the incident with the Ku Klux Klan ("KKK") sign and the crude KKK hat. Further, the Commission found Chief Campo had a history of making offensive comments and posting offensive photos on a bulletin board that no one was allowed to touch. Chief Campo confirmed making the offensive posters about Charging Party and other individuals in the office that targeted their race, ancestry, religion and sex. He also admitted to placing the KKK sign on Charging Party's rain gear and wearing a makeshift KKK hat that he had made in the presence of Charging Party. Chief Campo acknowledged that he went too far but felt that all of his actions were merely his way of being the "class clown" and denies that he was acting in a discriminatory manner.

EXHIBIT

1-B

Respondent denies making comments about hiring a “n****r” or interfering with Charging Party’s employment. However, there was one witness to this statement, which occurred *after* (emphasis added) Charging Party was hired. There was no information provided to support the allegation of Respondent interfering with Charging Party’s hiring.

The investigation revealed Respondent has some Equal Employment Opportunity policies in place, but they are outdated and none of the officers have ever had any training on any Equal Employment Opportunity policies. There were no policies advising Charging Party where he could file a complaint except to the aggressor in this specific incident. The information obtained showed Chief Campo made it clear that what happens at the station stays at the station. However, the June 25, 2021 incident was reported to officials outside the department in the following days. As a result, Respondent placed Chief Campo on an administrative leave. On the same day he was notified of the administrative leave, Chief Campo resigned effective immediately.

The information acquired during the investigation supports allegations that Respondent created and subjected Charging Party and other employees to a hostile work environment based on race, ancestry, religion, and sex through pictures, statements and other actions. Such actions and comments were both severe and pervasive enough to have altered the terms and conditions of Charging Party’s employment.

DECISION:

The Ohio Civil Rights Commission determines it is **PROBABLE** that Respondent has engaged in an unlawful discriminatory practice in violation of Ohio Revised Code Chapter 4112. Therefore, the Commission hereby orders that this matter be scheduled for **CONCILIATION**.

In accordance with Ohio Revised Code § 4112.05(A) and Ohio Administrative Code § 4112-3-03(C), the Commission invites you to participate in conciliation by informal methods of conference, conciliation and persuasion. Enclosed is a draft of the proposed Conciliation Agreement and Consent Order for your consideration. Kathy O’Dell has been assigned as Conciliator and can be reached by telephone at 216-787-5879 or by email at kathy.odell@civ.ohio.gov. **Please contact the Conciliator to discuss the conciliation process.** If the Commission’s attempts at conciliation are unsuccessful, a formal complaint will be issued, and the case will be scheduled for a public hearing.

NOTICE OF RIGHT TO REQUEST RECONSIDERATION:

Pursuant to Ohio Administrative Code § 4112-3-04, you have the right to request reconsideration of the Commission’s determination. The application must be in writing and state specifically the grounds upon which it is based. You must submit the request for reconsideration, along with all additional evidence or supporting documentation, within **TEN (10) days** of the date of mailing of this notice. This request must be sent to the Compliance Department, Ohio Civil Rights Commission, 30 East Broad Street, 5th Floor, Columbus, Ohio 43215. Any application for reconsideration received after the ten-day period has expired will be deemed untimely. The Commission’s Rules do not permit any employee of the Commission to grant any extension to this ten-day filing period. If you wish to appear before the Commissioners to present oral arguments in support of your request for reconsideration, you must specifically make a request to appear in writing.

NOTICE OF RIGHT TO WITHDRAW ON A PROBABLE CAUSE DECISION:

Pursuant to Ohio Revised Code 4112.051, you are hereby notified you have a right to withdraw the charge and file a civil action in any State of Ohio court that has jurisdiction over this matter. Ohio Revised Code 4112.052 and 4112.14 provides that such a civil action must be filed within two years after the date of the alleged discriminatory practice. The time period to file a civil action is tolled during the pendency of the OCRC investigation. You are advised to consult with an attorney to determine with accuracy the date by which a civil action must be filed.

FOR FEDERAL COURT FILINGS: Notices of Right to Sue under federal law will be issued by the EEOC.

FOR THE COMMISSION,

Vera F. Boggs

Vera F. Boggs
Regional Director
vera.boggs@civ.ohio.gov

cc: Representative for Charging Party:
Jessica Savoie, Esquire
Peiffer, Wolf, Corr, Kane & Conway
1422 Euclid Ave., Suite 1610
Cleveland, Ohio 44115

Representative for Respondent:
James Climer, Esquire
Mazanec, Raskin & Ryder
100 Franklin's Row
Cleveland, Ohio 44139

Keith Hansbrough, Esquire
Marshall, Dennehey, Warner, Coleman &
Goggin
127 Public Square, Suite 3516
Cleveland, Ohio 44114

From: Kathy.Odell@civ.ohio.gov
To: [Jessica Savoie](mailto:Jessica.Savoie)
Subject: Torres v. City of Sheffield Lake, Division of Police (47043)
Date: Friday, August 19, 2022 6:47:22 PM
Attachments: [J1-M3-22A202202121 Torres 08-18-2022.pdf](#)
[CACO_Torres_Draft.pdf](#)

Good evening.

I have been assigned to conciliate a settlement between your client and Respondent in the above-referenced case. If all parties reach an agreement, everyone will sign a Conciliation Agreement and Consent Order (CACO) setting forth the terms. If the parties do not reach an agreement, an impasse will be declared and the Ohio Attorney General's office will handle the matter going forward.

A draft CACO was included with the Letter of Determination that you received; a copy is attached. It includes terms that the Commission proposes as full remedy. Your client also may propose terms.

Please send me your proposed settlement terms by **August 26**.

I also am attaching a copy of the corrected Letter of Determination that was mailed to the parties and their representatives yesterday.

Feel free to contact me with any questions.

Kathy O'Dell
Supervisor
Ohio Civil Rights Commission
Cleveland Regional Office
216-787-5879 (direct)

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EXHIBIT
1-C



OHIO CIVIL RIGHTS COMMISSION

Governor Mike DeWine

Commissioners: Lori Barreras, Chair | J. Rita McNeil Danish | William Patmon, III | Madhu Singh | Charlie Winburn
Executive Director Angela Phelps-White

August 11, 2022

*Rerailed on August 18, 2022
to correct administrative language and
include Notice of Right to Sue*

Audali Torres
4731 Chelsea Drive
Lorain, Ohio 44055

City of Sheffield Lake Division of Police
609 Harris Rd.
Sheffield Lake, Ohio 44054

LETTER OF DETERMINATION

Audali Torres v. City of Sheffield Lake, Division of Police
CLE74(47043)02102022; 22A-2022-002121

FINDINGS OF FACT:

Charging Party filed a charge of discrimination with the Ohio Civil Rights Commission alleging Respondent engaged in an unlawful discriminatory practice. All jurisdictional requirements for filing a charge have been met.

After receiving the charge, the Commission conducted an investigation into Charging Party's allegation against Respondent. During the investigation, the Commission considered relevant documents and testimony. The information gathered supports a recommendation that Respondent unlawfully discriminated against Charging Party.

Charging Party alleges he was subjected to harassment based on his race (Latino), religion (Roman Catholic) and ancestry (Latino) from former Chief of Police Anthony Campo since he was hired in March 2013. Specifically, Charging Party alleges he was subjected to images making fun of his race and religion and comments about his religious activity. Charging Party alleges when he tried to confront Chief Campo about it, he was retaliated against when he was threatened with a reduction in hours and a refusal to allow him to use the departmental cruiser for his charity/outreach work.

The Commission found Chief Campo subjected Charging Party to a harassing work environment by placing discriminatory photos on a bulletin board and making discriminatory comments. On a consistent basis, Chief Campo made discriminatory comments about Charging Party's race, religion and ancestry. Charging Party stated he did not complain because he feared retaliation by Chief Campo. However, there was no information to support the allegations that Respondent made attempts to retaliate against Charging Party for using his paid time off for his annual mission trip to El Salvador. Nor is there information to support allegations that Chief Campo attempted to retaliate against Charging Party for requesting Sundays off for his religious observance.

EXHIBIT

1-D

Information gathered and witness testimony revealed that Chief Campo had a history of making offensive comments and posting offensive photos on a bulletin board that no one was allowed to post, move or remove the items. Chief Campo admitted to making the offensive posters about the Charging Party and other individuals in the office that targeted their race, religion, ancestry and sex. He acknowledged all his actions but suggested that they were merely his way of being the “class clown” and denies that he was acting in a discriminatory manner.

The investigation revealed Respondent has some Equal Employment Opportunity policies in place, but they are outdated and none of the officers have ever had any training on any Equal Employment Opportunity policies. There were no policies advising Charging Party where he could file a complaint except to the aggressor in this specific incident. The information obtained showed Chief Campo made it clear that what happens at the station stays at the station. However, testimony revealed an incident involving a racially offensive sign was reported to officials outside the department leading to Respondent placing Chief Campo on an administrative leave. On the same day he was notified of the administrative leave, Chief Campo resigned effective immediately.

The information acquired during the investigation supports allegations that Respondent created and subjected Charging Party and other employees to a hostile work environment based on race, ancestry, sex and religion through pictures, statements and other actions. Such actions and comments were severe and pervasive enough to have altered the terms and conditions of Charging Party’s employment. The investigation failed to show Respondent engaged in a retaliatory manner when Chief Campo’s actions were questioned.

DECISION: (on the basis of race, sex, religion and ancestry)

The Ohio Civil Rights Commission determines it is **PROBABLE** that Respondent has engaged in an unlawful discriminatory practice in violation of Ohio Revised Code Chapter 4112. Therefore, the Commission hereby orders that this matter be scheduled for **CONCILIATION**.

In accordance with Ohio Revised Code § 4112.05(A) and Ohio Administrative Code § 4112-3-03(C), the Commission invites you to participate in conciliation by informal methods of conference, conciliation and persuasion. Enclosed is a draft of the proposed Conciliation Agreement and Consent Order for your consideration. Kathy O’Dell has been assigned as Conciliator and can be reached by telephone at 216-787-5879 or by email at kathy.odell@civ.ohio.gov. **Please contact the Conciliator to discuss the conciliation process.** If the Commission’s attempts at conciliation are unsuccessful, a formal complaint will be issued, and the case will be scheduled for a public hearing.

DECISION: (on the basis of retaliation)

The Ohio Civil Rights Commission determines it is **NOT PROBABLE** that Respondent has engaged in an unlawful discriminatory practice in violation of Ohio Revised Code Chapter 4112. Therefore, the Commission hereby orders that this matter be **DISMISSED**.

NOTICE OF RIGHT TO REQUEST RECONSIDERATION: (on all basis)

Pursuant to Ohio Administrative Code § 4112-3-04, you have the right to request reconsideration of the Commission’s determination. The application must be in writing and state specifically the grounds upon which it is based. You must submit the request for reconsideration, along with all additional evidence or supporting documentation, within **TEN (10) days** of the date of mailing of this notice. This request must

be sent to the Compliance Department, Ohio Civil Rights Commission, 30 East Broad Street, 5th Floor, Columbus, Ohio 43215. Any application for reconsideration received after the ten-day period has expired will be deemed untimely. The Commission's Rules do not permit any employee of the Commission to grant any extension to this ten-day filing period. If you wish to appear before the Commissioners to present oral arguments in support of your request for reconsideration, you must specifically make a request to appear in writing.

On No Probable Cause Decisions Only:

Pursuant to Ohio Revised Code 4112.051, if you timely request and are granted reconsideration, the enclosed NOTICE OF RIGHT TO SUE will be voided. A new NOTICE OF RIGHT TO SUE will be issued once the charge is no longer pending before the Commission if a No Probable Cause finding is reached during reconsideration.

FOR DUAL FILED CHARGES ONLY: (on NO PROBABLE CAUSE decision only)

If your charge was filed with both the Commission and the U. S. Equal Employment Opportunity Commission (EEOC), you have the right to request that the EEOC conduct a review of the Commission finding. The request for such a review must be sent directly to the EEOC State and Local Coordinator at 101 W. Ohio St., Suite 1900, Indianapolis, IN 46204. To secure such a review, you must request it in writing within **FIFTEEN (15) days** of Commission's finding, unless you request a reconsideration by Commission. In that event, our final finding, and the time for you to request review by EEOC, will be determined by Commission's action on your reconsideration request.

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW: (on NO PROBABLE CAUSE decision only)

A determination of the Commission that constitutes a Final Order is subject to judicial review, wherein the court reviews the contents of this letter and determines if there are sufficient factual findings supporting why the Commission did not issue a complaint. A petition for judicial review must be filed in the proper common pleas court within **THIRTY (30) days** of the date the Commission mailed this Final Order. The right to obtain judicial review and the mode and procedure thereof is set forth in Ohio Revised Code § 4112.06.

The judicial review process is not a means to reexamine the investigation or further pursue your allegations through the Commission. You may consult with an attorney for information on available options.

A Probable Cause finding is not a Final Order and is not subject to judicial review by a court. All other determinations of the Commission constitute a Final Order and are subject to judicial review by a court.

NOTICE OF RIGHT TO WITHDRAW ON A PROBABLE CAUSE DECISION:

Pursuant to Ohio Revised Code 4112.051, you are hereby notified you have a right to withdraw the charge and file a civil action in any State of Ohio court that has jurisdiction over the matter. Ohio Revised Code 4112.052 and 4112.14 provides that such a civil action must be filed within two years after the date of the alleged discriminatory practice. The time period to file a civil action is tolled during the pendency of the OCRC investigation. You are advised to consult with an attorney to determine with accuracy the date by which a civil action must be filed.

Please refer to the enclosed **NOTICE OF RIGHT TO SUE** for additional information on Charging Party's suit rights.

FOR THE COMMISSION,

Vera F. Boggs

Vera F. Boggs
Regional Director
vera.boggs@civ.ohio.gov

cc: Representative for Charging Party:
Jessica Savoie, Esquire
Peiffer, Wolf, Corr, Kane & Conway
1422 Euclid Ave., Suite 1610
Cleveland, Ohio 44115

Representative for Respondent:
James Climer, Esquire
Mazanec, Raskin & Ryder
100 Franklin's Row
Cleveland, Ohio 44139

Keith Hansbrough, Esquire
Marshall, Dennehey, Warner, Coleman &
Goggin
127 Public Square, Suite 3516
Cleveland, Ohio 44114

OHIO CIVIL RIGHTS COMMISSION

Board of Commissioners:

Lori Barreras – Chair
J. Rita McNeil Danish
William W. Patmon, III
Madhu Singh
Charlie Winburn



Angela Phelps-White,
Executive Director

Charging Party,

Audali Torres

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v.)
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Charge No. CLE74(47043)02102022

Respondent,

City of Sheffield Lake
Division of Police

)
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NOTICE OF RIGHT TO SUE

Pursuant to Ohio Revised Code 4112.051, you may file a civil action against the Respondent(s) alleging a violation of Ohio Revised Code 4112. The lawsuit may be filed in any State of Ohio court that has jurisdiction over the matter. Ohio Revised Code 4112.052 and 4112.14 provides that such a civil action must be filed within two years after the date of the alleged discriminatory practice. The time period to file a civil action is tolled during the pendency of the Commission investigation. You are advised to consult with an attorney to determine with accuracy the date by which a civil action must be filed. NOTE: If you request reconsideration of the Commission's determination, this NOTICE OF RIGHT TO SUE will be vacated. FOR FEDERAL COURT FILINGS: Notices of Right to Sue under federal law will be issued by the EEOC.

FOR THE COMMISSION

Vera F. Boggs

Vera F. Boggs
Cleveland Regional Director
615 W. Superior Ave., Suite 885
Cleveland, OH 44113
(216) 787-3150

Date mailed: August 18, 2022

From: Kathy.Odell@civ.ohio.gov
To: [Jessica Savoie](mailto:Jessica.Savoie)
Subject: Davis v. City of Sheffield Lake (47096)
Date: Friday, August 19, 2022 7:00:40 PM
Attachments: [CACO_Davis_Draft.pdf](#)
[J1-M3-22A202202204 Davis 08-18-2022.pdf](#)

Good evening.

I have been assigned to conciliate a settlement between your client and Respondent in the above-referenced case. If all parties reach an agreement, everyone will sign a Conciliation Agreement and Consent Order (CACO) setting forth the terms. If the parties do not reach an agreement, an impasse will be declared and the Ohio Attorney General's office will handle the matter going forward.

A draft CACO was included with the Letter of Determination that you received; a copy is attached. It includes terms that the Commission proposes as full remedy. Your client also may propose terms.

Please send me your proposed settlement terms by **August 26**.

I also am attaching a copy of the corrected Letter of Determination that was mailed to the parties and their representatives yesterday.

Feel free to contact me with any questions.

Kathy O'Dell
Supervisor
Ohio Civil Rights Commission
Cleveland Regional Office
216-787-5879 (direct)

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EXHIBIT
1-E



OHIO CIVIL RIGHTS COMMISSION

Governor Mike DeWine

Commissioners: Lori Barreras, Chair | J. Rita McNeil Danish | William Patmon, III | Madhu Singh | Charlie Winburn
Executive Director Angela Phelps-White

August 11, 2022

*Rermailed on August 18, 2022
to correct administrative language and
include Notice of Right to Sue*

Sara Davis
510 W. 32nd Street
Lorain, Ohio 44055

City of Sheffield Lake Division of Police
609 Harris Rd.
Sheffield Lake, Ohio 44054

LETTER OF DETERMINATION

Sara Davis v. City of Sheffield Lake, Division of Police
CLE74(47096)022429022; 22A-2022-02204

FINDINGS OF FACT:

Charging Party filed a charge of discrimination with the Ohio Civil Rights Commission alleging Respondent engaged in an unlawful discriminatory practice. All jurisdictional requirements for filing a charge have been met.

After receiving the charge, the Commission conducted an investigation into Charging Party's allegation against Respondent. During the investigation, the Commission considered relevant documents and testimony. The information gathered supports a recommendation that Respondent unlawfully discriminated against Charging Party.

Charging Party alleges she was subjected to sexual harassment based on her sex (female) and was retaliated against when she complained. Specifically, Charging Party alleges former Chief of Police Anthony Campo would make sexually explicit remarks to her, telling her to engage in sexual relations with her coworkers, making photoshopped pictures of her and coworkers in sexual positions and placing them on the bulletin board and texting such pictures to her. When Charging Party asked him to stop, he threatened to terminate her and refused to communicate with her, creating difficulties in her ability to perform her tasks.

The Commission found that Chief Campo harassed Charging Party by placing discriminatory photos depicting Charging Party in sexual positions on a bulletin, sending her text messages with those pictures, and making gender-based remarks. However, there is no information or testimony to support the allegations of Chief Campo threatening to terminate her employment when she asked him to stop the discriminatory actions or refused to communicate with her.

Information gathered and witness testimony revealed that Chief Campo had a history of making offensive comments and posting offensive photos on a bulletin board that no one was allowed to post, move or remove items. Chief Campo admitted to making the offensive posters about the Charging Party and other individuals in the office that targeted their race, religion, ancestry and sex. He acknowledged all of his actions but suggested that they were merely his way of being the "class clown" and denies that he was acting in a discriminatory manner.



The investigation revealed Respondent has some Equal Employment Opportunity policies in place, but they are outdated and none of the officers have ever had any training on any Equal Employment Opportunity policies. There were no policies advising Charging Party where she could file a complaint except to the aggressor in this specific incident. The information obtained showed Chief Campo made it clear that what happens at the station stays at the station. However, testimony revealed an incident involving a racially offensive sign was reported to officials outside the department leading to Respondent placing Chief Campo on an administrative leave. On the same day he was notified of the administrative leave, Chief Campo resigned effective immediately.

The information acquired during the investigation supports allegations that Respondent created and subjected Charging Party and other employees to a hostile work environment based on race, ancestry, sex and religion through pictures, statements and other actions. Such actions and comments were pervasive enough to have altered the terms and conditions of Charging Party's employment. The investigation failed to show Respondent engaged in a retaliatory manner when Charging Party allegedly asked Chief Campo to stop his discriminatory actions.

DECISION: (on the basis of race, ancestry, religion, and sex)

The Ohio Civil Rights Commission determines it is **PROBABLE** that Respondent has engaged in an unlawful discriminatory practice in violation of Ohio Revised Code Chapter 4112. Therefore, the Commission hereby orders that this matter be scheduled for **CONCILIATION**.

In accordance with Ohio Revised Code § 4112.05(A) and Ohio Administrative Code § 4112-3-03(C), the Commission invites you to participate in conciliation by informal methods of conference, conciliation and persuasion. Enclosed is a draft of the proposed Conciliation Agreement and Consent Order for your consideration. Kathy O'Dell has been assigned as Conciliator and can be reached by telephone at 216-787-5879 or by email at kathy.odell@civ.ohio.gov. **Please contact the Conciliator to discuss the conciliation process.** If the Commission's attempts at conciliation are unsuccessful, a formal complaint will be issued, and the case will be scheduled for a public hearing.

DECISION: (on the basis of retaliation)

The Ohio Civil Rights Commission determines it is **NOT PROBABLE** that Respondent has engaged in an unlawful discriminatory practice in violation of Ohio Revised Code Chapter 4112. Therefore, the Commission hereby orders that this matter be **DISMISSED**.

NOTICE OF RIGHT TO REQUEST RECONSIDERATION: (on all basis)

Pursuant to Ohio Administrative Code § 4112-3-04, you have the right to request reconsideration of the Commission's determination. The application must be in writing and state specifically the grounds upon which it is based. You must submit the request for reconsideration, along with all additional evidence or supporting documentation, within **TEN (10) days** of the date of mailing of this notice. This request must be sent to the Compliance Department, Ohio Civil Rights Commission, 30 East Broad Street, 5th Floor, Columbus, Ohio 43215. Any application for reconsideration received after the ten-day period has expired will be deemed untimely. The Commission's Rules do not permit any employee of the Commission to grant any extension to this ten-day filing period. If you wish to appear before the Commissioners to present oral arguments in support of your request for reconsideration, you must specifically make a request to appear in writing.

On No Probable Cause Decisions Only:

Pursuant to Ohio Revised Code 4112.051, if you timely request and are granted reconsideration, the enclosed NOTICE OF RIGHT TO SUE will be voided. A new NOTICE OF RIGHT TO SUE will be issued once the charge is no longer pending before the Commission if a No Probable Cause finding is reached during reconsideration.

FOR DUAL FILED CHARGES ONLY: (on NO PROBABLE CAUSE decision only)

If your charge was filed with both the Commission and the U. S. Equal Employment Opportunity Commission (EEOC), you have the right to request that the EEOC conduct a review of the Commission finding. The request for such a review must be sent directly to the EEOC State and Local Coordinator at 101 W. Ohio St., Suite 1900, Indianapolis, IN 46204. To secure such a review, you must request it in writing within **FIFTEEN (15) days** of Commission's finding, unless you request a reconsideration by Commission. In that event, our final finding, and the time for you to request review by EEOC, will be determined by Commission's action on your reconsideration request.

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW: (on NO PROBABLE CAUSE decision only)

A determination of the Commission that constitutes a Final Order is subject to judicial review, wherein the court reviews the contents of this letter and determines if there are sufficient factual findings supporting why the Commission did not issue a complaint. A petition for judicial review must be filed in the proper common pleas court within **THIRTY (30) days** of the date the Commission mailed this Final Order. The right to obtain judicial review and the mode and procedure thereof is set forth in Ohio Revised Code § 4112.06.

The judicial review process is not a means to reexamine the investigation or further pursue your allegations through the Commission. You may consult with an attorney for information on available options.

A Probable Cause finding is not a Final Order and is not subject to judicial review by a court. All other determinations of the Commission constitute a Final Order and are subject to judicial review by a court.

NOTICE OF RIGHT TO WITHDRAW ON A PROBABLE CAUSE DECISION:

Pursuant to Ohio Revised Code 4112.051, you are hereby notified you have a right to withdraw the charge and file a civil action in any State of Ohio court that has jurisdiction over the matter. Ohio Revised Code 4112.052 and 4112.14 provides that such a civil action must be filed within two years after the date of the alleged discriminatory practice. The time period to file a civil action is tolled during the pendency of the OCRC investigation. You are advised to consult with an attorney to determine with accuracy the date by which a civil action must be filed.

Please refer to the enclosed **NOTICE OF RIGHT TO SUE** for additional information on Charging Party's suit rights.

FOR THE COMMISSION,

Vera F. Boggs

Vera F. Boggs
Regional Director
vera.boggs@civ.ohio.gov

cc: Representative for Charging Party:
Jessica Savoie, Esquire
Peiffer, Wolf, Corr, Kane & Conway
1422 Euclid Ave., Suite 1610
Cleveland, Ohio 44115

Representative for Respondent:
James Climer, Esquire
Mazanec, Raskin & Ryder
100 Franklin's Row
Cleveland, Ohio 44139

Keith Hansbrough, Esquire
Marshall, Dennehey, Warner, Coleman &
Goggin
127 Public Square, Suite 3516
Cleveland, Ohio 44114

OHIO CIVIL RIGHTS COMMISSION

Board of Commissioners:

Lori Barreras – Chair
J. Rita McNeil Danish
William W. Patmon, III
Madhu Singh
Charlie Winburn



Angela Phelps-White,
Executive Director

Charging Party,

Sara Davis

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v.

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Charge No. CLE74(47096)022429022

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Respondent,

City of Sheffield Lake
Division of Police

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NOTICE OF RIGHT TO SUE

Pursuant to Ohio Revised Code 4112.051, you may file a civil action against the Respondent(s) alleging a violation of Ohio Revised Code 4112. The lawsuit may be filed in any State of Ohio court that has jurisdiction over the matter. Ohio Revised Code 4112.052 and 4112.14 provides that such a civil action must be filed within two years after the date of the alleged discriminatory practice. The time period to file a civil action is tolled during the pendency of the Commission investigation. You are advised to consult with an attorney to determine with accuracy the date by which a civil action must be filed. NOTE: If you request reconsideration of the Commission's determination, this NOTICE OF RIGHT TO SUE will be vacated. FOR FEDERAL COURT FILINGS: Notices of Right to Sue under federal law will be issued by the EEOC.

FOR THE COMMISSION

Vera F. Boggs

Vera F. Boggs
Cleveland Regional Director
615 W. Superior Ave., Suite 885
Cleveland, OH 44113
(216) 787-3150

Date mailed: August 18, 2022