

## Formal Complaint – Hostile Work Environment

Anette and Kurt:

This email is to formally notify you of my complaint against Chief Foley for fostering a hostile work environment. I request an immediate, independent external investigation into these actions and their effects.

### **Examples of Harassment against me over the years-**

- I have attended many “Breakfast with Santa” events over the years. At the 2023 Breakfast with Santa, Deputy Chief Kwitkin attended for the first time, accompanied by his wife, Karen Kwitkin, who was then the administrative assistant to the City Manager, Karen Osburn. This was also my first direct conversation with former Deputy Chief Kwitkin. (As a matter of fact, I clearly remember that we spoke about New York style bagels) While we were near Santa—my friend Rick Kimberly from the Elks Club—Rick invited us over for a photo.

Approximately an hour later, Karen Kwitkin approached me in a confused manner. She asked to know why the Chief would be questioning her about what her husband and I had discussed and then told me that the Chief said, “the mayor should learn to stay in his lane.” Since Karen Kwitkin was not a direct report of Chief Foley this comment was clearly inappropriate, unprofessional, and appeared intended to intimidate me from engaging in lawful and entirely appropriate conversations. I reported this incident to Karen Osburn and nothing was done about it.

- A year ago, the RRN submitted a public records request for my cell phone records, specifically to determine whether I had ever contacted a number that was unknown to me but later revealed to belong to Deputy Chief Kwitkin. I believe this was a deliberate attempt to intimidate me and to deter me from exercising my legal right to request public records pertaining to the SPD.
- Without any proof, I was accused by the former City Manager, Karen Osburn, of sending an anonymous letter to the RRN for a story about Chief Foley to be printed. Without any proof Karen Osburn shared her thoughts with the entire city council. I believe this was a deliberate attempt to intimidate me and to deter me from exercising my legal right to request public records pertaining to the SPD.
- As a retired police officer and now Mayor of this city, I want all employees especially our officers and civilian staff to feel that the city council supports them. I have asked to be included and on occasion speak at all official SPD ceremonies of retirement and

badge pinning's and yet, unless I hear about an event on my own, I'm kept in the dark. I believe this was a deliberate attempt to intimidate me and to deter me from exercising my legal right to request public records pertaining to the SPD.

- Now, I understand that Chief Foley has filed a hostile work complaint against me. I believe this is another deliberate attempt to intimidate me and deter me from exercising my legal right to request public records related to the SPD.

In conclusion, after reviewing multiple public records that I have lawfully obtained, it is unmistakable that a consistent and troubling theme runs through the statements from some of the recent past and current police employees who chose to come forward. This theme—clearly recorded in several of the Revolutionary HR Consulting employee's Transcript of Investigative Interview **were deliberately downplayed** from the final reports that included but not limited to comments such as:

- *Retaliation (Retaliatory action taken against the officer)*
  - *Fear*
  - *Retention through discipline*
  - *Discipline to retain (different employee reporting)*
  - *Toxic environment*
  - *Micromanaging*
  - *Difficult to do our job*

While Revolutionary HR Consulting noted that the reported issues were believed to stem from elevated tensions following the complaint filed by Kwitkin, Leon, and O'Connor—with eleven interviewees attributing the toxic environment to Kwitkin—I believe that, there are, multiple examples in the individual interviews point to problems that have occurred during Chief Foley's tenure or consistently while she was moving up in rank, and weren't mentioned in the final report.

It is no surprise that, after reviewing the comments from the few employees who did speak up, leaving Chief Foley in her current role has discouraged additional employees from coming forward. In past cases—such as with former Finance Director Cherie White and former DC Ryan Kwitkin—those under investigation were immediately placed on leave. This was done to encourage and support employees in speaking freely and is widely recognized as best practice for obtaining honest and transparent feedback during an investigation.

I am requesting that the same action be taken for a second and more in depth investigation to allow police department employees to provide candid statements about the ongoing

culture and serious issues within the department, anonymously and without fear of retaliation.

Because these concerns were downplayed or even omitted from the Revolutionary HR Consulting report, I believe they were never addressed and are still ongoing. I am demanding a prompt, independent, and external investigation to fully examine both the actions in question and their impact. I am further demanding a separate investigation into why Revolutionary HR Consulting downplayed or omitted these troubling comments from their final report, and whether that action was directed by any City of Sedona staff member.

Finally, I am requesting that Chief Foley be removed from the City Hall campus during this process as was done with other investigations.

I would appreciate it if you could forward this complaint to the entire council for their review. Please let me know once you have received and shared this request. Thank you for your attention to this matter.