

# **CONFIDENTIAL AND IMPARTIAL INVESTIGATIVE REPORT**

**ATTORNEY-CLIENT PRIVILEGED COMMUNICATION  
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NOT A PUBLIC RECORD**

**By**

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## **I. ALLEGATIONS AND SCOPE OF INVESTIGATION**

On May 30, 2019, the Chino Valley Independent Fire District (the "District") retained Debra L. Reilly to act in her capacity as an employment law attorney to conduct a confidential and impartial, internal fact-finding investigation concerning the following issues:

Issue #1: Whether Director Winn Williams pressured [REDACTED], on or about December 18, 2018, to make photocopies for him for personal purposes after she advised him that she could only make photocopies if they related to District business?

Issue #2: Whether on or about December 18, 2018, Mr. Williams told [REDACTED] even if it is against policy, sometimes he is going to ask [REDACTED] to make copies and he does not want any problems?

Issue #3: Whether Mr. Williams exhibited an aggressive demeanor toward Chief Shackelford on or about January 7, 2019, and used foul language to the effect of: "Who the fuck told Ballinger to send the letter?" and "This is about fucking copies, who told Ballinger to send the fucking letter?"

Issue #4: Whether Mr. Williams exhibited an aggressive demeanor toward Chief Shackelford and Board President John DeMonaco on or about January 8, 2019, that frightened Chief Shackelford, including yelling and aggressively pointing at Mr. DeMonaco and Chief Shackelford?

Issue #5: Whether Mr. Williams asked and then pressed Chief Shackelford at a lunch on or about February 11, 2019, to provide him confidential personnel information about a District Firefighter employee?

Issue #6: Whether Mr. Williams asked Chief Shackelford at a lunch on or about February 11, 2019, if he knew anyone who might want to buy Mr. Williams' unused Vicodin?

Issue #7: Whether Mr. Williams threatened Chief Shackelford's employment on or about February 11, 2019, if the Chief did not: (1) tell the Board in a closed session Board meeting that he mishandled the situation in which Mr. Williams requested that the Board Clerk make photocopies; (2) apologize to Mr. Williams in an open session Board meeting; and (3) have Jeff Ballinger, the District's Legal Counsel, write Mr. Williams a letter of apology?

Issue #8: Whether Mr. Williams used foul language in front of District employee [REDACTED], her children, and her young grandchildren, when speaking to a news reporter on District property on or about February 13, 2019, stating words to the effect of: "I can't believe you fucking wrote I am a disgruntled employee"?

Issue #9: Whether Mr. Williams recorded his conversation with District employee [REDACTED] on or about April 17, 2019, without first notifying [REDACTED] and/or obtaining [REDACTED] consent?

Issue #10: Whether (as Mr. Williams asserted after Chief Shackelford read his statement at the March 13 Board meeting), Chief Shackelford lied as he read his statement at the March 13, 2019 Board meeting?

## **II. STANDARD OF REVIEW OF THE FACTS GATHERED**

The claims alleged and the supporting facts discovered in this investigation will be analyzed according to the “preponderance of the evidence” standard, which means that the information gathered will be analyzed to determine whether sufficient proof exists to convince a finder of fact that an alleged incident is more likely to have occurred than not to have occurred.

The following terminology will be used to describe the findings of this investigation:

Not Sustained: A preponderance of the evidence is that the alleged conduct did not occur.

Sustained: A preponderance of the evidence is that the alleged conduct occurred.

Unfounded: The investigation clearly established, based on a preponderance of the evidence, that the allegations are not true.

Exonerated: The investigation clearly established that the actions of the peace or custodial officer, which formed the basis for the complaint, are not violations of law or department policy.

## **III. CREDIBILITY ASSESSMENT OF EACH WITNESS INTERVIEWED**

As part of the process of this investigation, a credibility assessment of each witness was considered in determining all findings of fact and conclusions. The following credibility factors were considered:

- (1) Inherent plausibility [or implausibility] of each witness’ respective view of the facts and whether his or her version of the facts makes sense or seems reasonable or probable;
- (2) All corroborating documentation [Exhibits 1-35] submitted by the various witnesses and the Human Resources Department of the employer;
- (3) Respective witnesses’ potential motivations [or lack of motivation] to falsify their witness statements (based on existence of a bias, interest, or other motive);

- (4) Any corroborating (or contradictory) witness statements, which either support or refute the claims of the witnesses;
- (5) Any prior consistent statements (or prior inconsistent statements) by the witnesses, and also whether each witness' statement was consistent throughout his or her respective interviews or consistent with other facts gathered;
- (6) Prior history, habit, and consistency of the subjects of the investigation for engaging in similar types of the alleged behavior that the person is known to do on a regular basis;
- (7) Prior history of any witness having been found to be dishonest in the past, or having a prior history of displaying a propensity not to tell the truth in the past (that is, history of honesty or dishonesty);
- (8) The extent the witness was able to perceive, hear, see, recollect, or communicate the matter as it was occurring;
- (9) Manner of answering questions during investigative interview, such as, evasiveness, hesitations of speech, and indirect answers (especially when the witness has given direct answers to foundational questions);
- (10) Bias on the part of any witness or subject;
- (11) Consistency of memory; and
- (12) Any other facts which appear to be trustworthy.

#### IV. METHODOLOGY

*[Investigator's Note: Director Loring "Winn" Williams declined to participate in this investigation.<sup>1</sup> On September 10, 2019, this investigator emailed Director Williams at [wwilliams@chofire.org](mailto:wwilliams@chofire.org) requesting to meet with Director Williams for an interview, and sent a follow-up letter to Director Williams on the same date **[Exhibit 31]**. As of the date of this report, this investigator has not received any response from Director Williams.]*

This investigator interviewed the following witnesses and audio-recorded the interviews:

1. Tim Shackelford, Fire Chief, June 21, 2019 (10:05 a.m. to 11:33 a.m.)
2. [REDACTED], July 2, 2019 (8:15 a.m. to 8:38 a.m.) (Telephonic)
3. John DeMonaco, President, Board of Directors, July 2, 2019 (10:10 a.m. to 10:37 a.m.)
4. [REDACTED], July 2, 2019 (10:52 a.m. to 11:38 a.m.)
5. [REDACTED], July 2, 2019 (11:47 a.m. to 12:02 p.m.)

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<sup>1</sup> On May 30, 2019, Director Williams addressed the Board and made the following statement, wherein he noted that he would not participate in this investigation: "The allegations in the document to Ms. Reilly have nothing to do with discrimination based on any protected category. The actions described are not a hostile work environment, even if true. This investigation has nothing to do with hostile work environment... *I'm not going to participate in an investigation* where the allegations have nothing to do with the stated scope of hostile work environment. This is a joke." **[Exhibit 26 at page 60, emphasis added]**

6. [REDACTED], July 2, 2019 (12:05 p.m. to 12:22 p.m.)
7. [REDACTED], July 2, 2019 (12:42 p.m. to 1:06 p.m.)
8. [REDACTED], July 16, 2019 (8:03 a.m. to 8:47 a.m.) (Telephonic)
9. [REDACTED], September 13, 2019 (10:39 a.m. to 10:48 a.m.) (Telephonic)

*[Investigator's Note: A confidentiality admonition, a retaliation-prevention admonition, as well as a directive to tell the truth and to provide open, honest, and complete answers, were given to each witness at the commencement of each interview.]*

Exhibits 1 through 35 were gathered, analyzed, considered, and summarized as part of this investigation [see "Documents Reviewed" section of this report]. This investigator also reviewed transcripts of relevant meetings of the Chino Valley Independent Fire District's Board of Directors [see "Transcripts Reviewed" section of this report.]

## **V. APPLICABLE POLICIES OF THE DISTRICT**

Chino Valley Independent Fire District, Policy and Procedures for Board of Directors, Resolution No. 2018-06, Policy Number 1010, Code of Ethics, dated May 9, 2018, provides, in pertinent part:

**1010.2** Responsiveness and attentive listening in communication are encouraged.

**1010.8** Board Members shall not use District resources for personal or political purposes. "District resources" include any property or asset owned by the District including, but not limited to, land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel and District compensated time. Examples of prohibited activities include: using District offices to prepare campaign mailers, asking District staff to appear in campaign materials in uniform, or using District offices for non-District related work. **[Exhibit 3]**

Chino Valley Independent Fire District, Policy and Procedures for Board of Directors, Resolution No. 2018-06, Policy Number 1025, Staff Support and Assistance, dated May 9, 2018, provides, in pertinent part:

**1025.2** In order to effectively discharge their responsibilities as elected officials, the President and Board Members are entitled to receive clerical and administrative support services from assigned staff so long as it pertains to District business. **[Exhibit 3]**

Chino Valley Independent Fire District, Policy and Procedures for Board of Directors, Resolution No. 2018-06, Policy Number 2030, Board Meeting Conduct, dated May 9, 2018, provides, in pertinent part:

2030.2 (B)(1), Except as part of a formal performance evaluation process that has been properly noticed in accordance with the Brown Act, no oral presentation by any Board Member shall include charges or complaints against any District employee, regardless of whether or not the employee is identified in the presentation by name or by another reference, which tends to identify such person. All charges or complaints against employees shall be resolved at the lowest possible administrative level, and the method for resolution of complaints be logical and systematic. **[Exhibit 3]**

Chino Valley Independent Fire District, Policy and Procedures for Board of Directors, Resolution No. 2018-06, Policy Number 2070, Rules of Order for Board and Committee Meetings, dated May 9, 2018, provides, in pertinent part:

**2070.02** Decorum and Order – Board Members....

A. A Board Member desiring to question the staff shall address his/her question to the Fire Chief who shall either answer the inquiry himself/herself or to designate some member of his/her staff for that purpose.

\* \* \* \* \*

D. Board Members shall at all times conduct themselves with courtesy to each other, to staff and to members of the audience present at Board meetings.

**[Exhibit 3]**

**VI. FINDINGS OF FACT**

Date	Finding of Fact	Source
2002	Loring "Winn" Williams, a then a Fire Captain with the District, left his employment with the District. ██████████, a District employee since August 1991, was promoted to the position of Captain into the position vacated by Williams.	██████████ Statement
May 2014	Tim Shackelford, a District employee since 1991, was promoted to Fire Chief.	Shackelford Statement
December 2018	John DeMonaco, a member of the District's Board of Directors since 2006, became the Board President.	DeMonaco Statement
December 11, 2018	Newly elected Chino Valley Fire District Board Member Loring "Winn" Williams met with an ██████████ of the District,	Exhibit 21 at page 41-42;

	<p>██████████. During their conversation, Director Williams also spoke to ██████████ about Director Williams' lawsuit against the District and his ongoing dispute with the District, related to Director Williams' former employment and retirement from the District.</p> <p>Director Williams asked ██████████ if ██████████ would like to read paperwork related to Director Williams' dispute with the District, and ██████████ said that he would. However, ██████████ did not consider his willingness to read Director Williams' paperwork to be "work related" to the District, and ██████████ had no intention to bill the District for his time in reading the paperwork, if Director Williams had provided him with the information.</p>	and Exhibit 29
December 18, 2018 (About 6:30 p.m.)	<p>██████████ called Director Williams to confirm a meeting to set up Director Williams' iPad. Near the end of the conversation, Director Williams stated that District consultant ██████████ had asked him to make copies, and he said that he planned to bring the documents to ██████████ to copy. ██████████ said she would make the copies, if the documents related to District business. Director Williams then became agitated and repeated himself several times stating that he did not want problems when he is asking for copies. Director Williams told ██████████ that he did not want to inconvenience himself by going to a copy center and paying for copies when she could easily make copies for him at the District offices.</p> <p>When ██████████ stressed to him that she could only photocopy documents for him that related to District business, Director Williams said that even if it is against District policy, sometimes he will be asking ██████████ to make copies, and he does not want any problems when he does so.</p> <p>██████████ considered her telephone conversation with Director Williams to be very uncomfortable and emotionally upsetting. She thought Director Williams was attempting to communicate to her that she must comply with requests from him that may not comply with Board policy. ██████████ found it hard to remain calm when Director Williams kept repeating himself, and she felt he was essentially telling her, "You're going to do what I say, or you're going to have problems." The telephone call lasted approximately five minutes.</p> <p>██████████ told Chief Shackelford about the telephone call, and she appeared upset. She told the Chief that Director Williams became agitated with her and "a little loud."</p>	██████████ and Shackelford Statements; Exhibits 17, 28, and 29

	<p>The documents in question related to Director Williams' retirement dispute with the District and consisted of two pages. They did not pertain to Board business.</p>	
<p>December 19, 2018</p>	<p>██████████ memorialized her December 18, 2018 telephone conversation with Director Williams in an 11:09 a.m. email to Chief Shackelford. She also documented the incident because the conversation with Director Williams had caused her anxiety.</p> <p>At 4:58 p.m., Fire Chief Shackelford forwarded ██████████ email to ██████████ and asked him for his perspective. ██████████ wrote back at 5:21 p.m., noting that he had met with Director Williams on December 11, 2018, and during their meeting Director Williams has asked ██████████ if ██████████ was interested in "legal things," and if ██████████ would be interested in reading Director Williams' case against the District. ██████████ reported to Fire Chief Shackelford that he had offered to accept and read the documents at Director Williams' offering, but ██████████ never saw it as "work related." He noted that he would not have considered billing his time to the District if he should read the documents because he did not consider the activity "work related."</p>	<p>██████████ Statement; Exhibits 28 and 29</p>
<p>December 26, 2018</p>	<p>At the request of Fire Chief Shackelford, and in consultation with Board President DeMonaco, the District's general counsel, Jeff Ballinger of the law firm Best Best &amp; Krieger, wrote a letter to Director Williams with the subject line, "Recent Interaction with Board Secretary re Personal Photocopying." The letter summarized Director Williams' request to ██████████ on December 18, 2018, wherein Director Williams had asked ██████████ to make photocopies related to his retirement dispute with the District. Mr. Ballinger advised Director Williams that the request was against Board policy and state law, and he issued a directive:</p> <p style="padding-left: 40px;">"Therefore, you must not attempt to violate Board Policy, or coerce District staff into violating Board Policy. Failure on your part to abide by this request will result in the Board taking appropriate action, including, without limitation, censure, reprimand, or referral of matters to the District Attorney, Grand Jury or other appropriate investigative officials."</p>	<p>Shackelford and DeMonaco Statements; Exhibit 1</p>
<p>January 3, 2019</p>	<p>Director Williams wrote a letter to Chief Shackelford wherein he alleges that his "employment related dispute is clearly District business..." and that he has the right to discuss the issue, including with District staff. He wrote that the copies he asked</p>	<p>Shackelford Statement; Exhibit 30</p>



	<p>██████████ to make were “requested by a District consultant that I met with at the District’s request as part of my Board duties, for the benefit of the District... These copies were clearly within Board Policy and not for personal use.” Director Williams also wrote that the District’s General Counsel, Mr. Ballinger, should be “immediately replaced.” He accused Mr. Ballinger of “egregious unethical and harassing conduct,” based on the December 19, and December 26, 2018 letters he received from Mr. Ballinger.</p> <p>Director Williams brought the letter to Fire Chief Shackelford’s office, acted upset, waved the letter around, leaned over Fire Chief Shackelford’s desk and raised his voice expressing how he was upset about the letter written by Mr. Ballinger. Because Director Williams had arrived unexpectedly, Fire Chief Shackelford rescheduled a meeting with Director Williams for a later time.</p>	
January 7, 2019	<p>Director Williams came to the District offices for a scheduled meeting with Fire Chief Shackelford around 10:00 a.m. The meeting began cordially, but Director Williams then became agitated in discussing the December 26, 2018 letter from Mr. Ballinger. Director Williams told Fire Chief Shackelford that he thought a ██████████, had told ██████████ to “do things against” him, and when Fire Chief Shackelford disagreed, Director Williams became aggressive and said, “Who the fuck told Ballinger to send the letter?”</p> <p>Director Williams became red in the face and raised his voice while leaning forward and pointing at Fire Chief Shackelford, as the two of them were sitting on an L-shaped couch in Chief Shackelford’s office. The Chief told Director Williams that he had heard about Director Williams’ photocopy request from ██████████, and then the Chief contacted Mr. Ballinger and Board President DeMonaco suggesting that Mr. Ballinger write a letter to Director Williams.</p> <p>At this point, Director Williams said, “This is about fucking copies, who told Ballinger to send the fucking letter?” When Fire Chief Shackelford said that President DeMonaco wanted the letter to come from Mr. Ballinger, Director Williams asked for a meeting, so Fire Chief Shackelford set up a meeting between himself, Director Williams, and Board President John DeMonaco for January 8, 2019.</p>	Shackelford Statement

<p>January 8, 2019</p>	<p>Fire Chief Shackelford, Board President DeMonaco, and Director Williams met behind closed doors in the Board Business Office at the District's headquarters. Director Williams discussed the December 26, 2018 letter he had received from Mr. Ballinger and how the letter about his request for photocopies was "absurd," and he argued that the requested photocopies were for District business. When President DeMonaco told Director Williams that Board Members are not allowed to use District resources for personal use, Director Williams' demeanor changed. He became red in the face, was loud and aggressive, and began repeating his arguments, including bringing up past issues related to when Director Williams had worked for the District in the past, and when he had served on the Board previously.</p> <p>When Board President DeMonaco told Director Williams, regarding the copies, "We need to agree to disagree on the issue of the copies and move on with the conversation," Director Williams pushed back his chair, moved quickly, and stood up. Fire Chief Shackelford became alarmed by these sudden movements by Director Williams because Fire Chief Shackelford was backed into a corner at the table and not in a good position if Director Williams were to become physical. Thus, Fire Chief Shackelford pushed back his own chair from the table to be ready for any physical move from Director Williams.</p> <p>President DeMonaco characterizes Director Williams' tone when he stood up as "screaming" and "verbally violent." President DeMonaco felt physically threatened by Director Williams in that moment.</p> <p>Director Williams stepped away from the table, in the direction of Mr. DeMonaco's seat, and Director Williams retrieved a water bottle from the nearby refrigerator. When Director Williams returned to the table, Director Williams was standing over President DeMonaco and aggressively restating his same argument about the photocopies. President DeMonaco asked Director Williams if he had anything new to say, and then ended the meeting when Director Williams continued to yell about the same things that he had already said. This meeting lasted approximately ten minutes.</p> <p>██████████ and ██████████ heard Director Williams yelling behind the closed door of the Board Business Office. They were in an adjacent office. They were so alarmed, nervous, and frightened by the yelling that they locked</p>	<p>Shackelford, DeMonaco, ██████████ and ██████████ Statements; Exhibit 17 and Exhibit 27 at page 70</p>
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	themselves inside [REDACTED] office because they did not know what to do.	
January 16 to February 11, 2019	During this time period, according to Fire Chief Shackelford, President DeMonaco visited the District office four times, Vice President Luth visited three times, Director Mike Kreeger came in twice, and Director Sarah Ramos-Evinger visited one time. However, Director Williams visited the District's Administration Office eleven times during the same time period, and staff only had prior notice on one of those occasions. The frequent visits by Director Williams were consuming staff time (as noted by staff members in their respective Witness Statements below).	Shackelford and [REDACTED] Statements; Exhibit 22 at pages 66-68
January 17, 2019	Director Williams came to the District office looking for [REDACTED]. He spoke to [REDACTED]. He told [REDACTED] that [REDACTED] was not returning his telephone calls, and he asked [REDACTED] what a voicemail was. Director Williams then took a personal cellphone call in the hallway, and he spoke so loudly that District employees could hear him, even with their office doors closed. During the cellphone call, Director Williams was asking his wife to read him his email messages.	[REDACTED] Statement; Exhibits 4 and 17
January 22, 2019	Director Williams appeared unannounced at the District office, bringing his wife with him. Director Williams had already had a telephone call that morning with [REDACTED] and [REDACTED] regarding the same topics as his office visit. Director Williams asked for assistance in accessing his District email, and he asked [REDACTED] if she was not used to talking to Board Members.	Exhibit 31
January 24, 2019	Director Williams left two voice mail messages for [REDACTED], in the 8:00 a.m. and 9:00 a.m. hours, while she was out of the office for an appointment. She sent an email to Director Williams at 9:01 a.m. answering his question and notifying him that she was not at the office.  Shortly after 9:40 a.m., Director Williams arrived, unannounced, at the District office. He confronted [REDACTED], stating, "[REDACTED], don't you answer your telephone?" [REDACTED] reported the contact to Fire Chief Shackelford because Director Williams had intimidated her by: (1) pointing his finger at her; (2) leaning forward toward her from a standing position while she was seated; and (3) yelling at her. Director Williams told [REDACTED] that he needed help logging into the District computer.	[REDACTED] Statement; Exhibit 32
January 28, 2019	Fire Chief Shackelford emailed the Board of Directors and informed them that a fire suppression employee had been arrested, and that while he had details about what had allegedly	Exhibit 5

	<p>occurred, it would be inappropriate for him to disclose that information to the Board. He wrote that the Human Resources Director had contacted General Counsel and he anticipated a formal investigation which may necessitate placing the firefighter employee on administrative leave.</p>	
February 2019	<p>Fire Chief Shackelford met independently with each Board Member. He prepared an agenda for the meetings, with seven topics to discuss, including a first agenda item of workers' compensation and personnel update.</p>	Exhibit 6
February 4, 2019	<p>Director Williams wrote a letter to Board Vice President Harvey Luth, wherein he alleged that President DeMonaco had violated Board policy by directing the District's General Counsel, Jeff Ballinger, to write a December 26, 2018 letter to Director Williams regarding Williams' request for [REDACTED] to make photocopies. He wrote that because Mr. Ballinger is General Counsel for the District, and he should not be getting directions from <i>individual</i> Board Members. He wrote that either the Board formed a consensus without him to have Mr. Ballinger send the letter or President DeMonaco had exceeded his authority by unilaterally directing Mr. Ballinger. He demanded an apology from President DeMonaco.</p>	Exhibit 7
February 11, 2019	<p>Fire Chief Shackelford met with Director Williams to discuss the topics he had set for his meeting with each Board Member. The Chief invited [REDACTED] and [REDACTED] to the lunch with Director Williams at BJ's Restaurant in Chino Hills.</p> <p>During the lunch, Director Williams mentioned the January 28, 2019 email about a District firefighter who had been arrested. Director Williams asked for details two to three times about this employee before accepting Chief Shackelford's response that he was not able to discuss it because it was a personnel matter. During discussions about District employees who were out on workers' compensation leave and the resulting need for overtime hours to cover for those workers on leave, Director Williams again pressed Chief Shackelford for details about who was out on workers' compensation leave, but Fire Chief Shackelford told Director Williams that he could not provide specific information about personnel. Director Williams then told the three Chiefs about his prior experience being out on workers' compensation leave due to a back injury. Director Williams said that he had taken Vicodin for this back injury, and still had leftover Vicodin, although it was 15 or 16 years old. Each of the Chiefs corroborate that Director Williams asked them if they knew anyone who would want to buy his leftover Vicodin pills.</p>	Shackelford, [REDACTED], and [REDACTED] Statements; Exhibit 6, 8, and 35

	<p>As the lunch meeting was ending, Director Williams said he wanted to talk to Fire Chief Shackelford privately, so [REDACTED] and [REDACTED] went outside to wait in the truck that the three of them had arrived in.</p> <p>Director Williams then asked Fire Chief Shackelford what would happen at the next Board meeting regarding a February 4, 2019 letter Director Williams had written about his request for copies. When Fire Chief Shackelford advised him that the letter was on the Board's agenda for February 13, 2019, Director Williams became agitated, and said words to the effect of, "This has gotten out of hand about the fucking copies. I was hoping that DeMonaco would diffuse this whole thing, but he didn't, and I'm mighty pissed off about it. I want you to think about this. I think you do a pretty good job as Chief and you and I get along. You need to go into closed session, tell the Board that you mishandled this whole thing, that it got out of hand, and it should have never gotten to this point. Tell them you apologized to me. During open session you could apologize to me publicly and you need to make it sincere, then have Ballinger write me a letter of apology and this whole thing's over."</p> <p>When Director Williams asked for a response, Fire Chief Shackelford said he would not respond because Director Williams had threatened litigation. Director Williams then told Fire Chief Shackelford words to the effect of, "I guess we will know on Wednesday night. On Wednesday night, I will know what you decided, and I will know how things are going to go for you after that." Fire Chief Shackelford believed that Director Williams was threatening his employment. At the end of the conversation, Director Williams said words to the effect of, "You know, I think you really screwed this whole thing up. You should have told [REDACTED] to make the fucking copies. You can fix this; it's up to you." Fire Chief Shackelford then left the restaurant and told [REDACTED] and [REDACTED] that Director Williams had just threatened his job with the District. Both [REDACTED] and [REDACTED] independently wrote notes about what had transpired at this lunch meeting, because they found Director Williams' statements to be odd.</p>	
February 13, 2019	[REDACTED], attended the February 13, 2019 Board meeting, held at the Fire District's Training Center. She attended because she was going to be recognized as Employee of the Year. She invited her family, including three of her children and three grandchildren ranging in ages of 4 years old to 7 years old. Her family arrived about 15 minutes prior to the 6:00 p.m. Board meeting so they could find	[REDACTED] and [REDACTED] Statements

	<p>seating. As her family was standing in the Board meeting room, [REDACTED] heard Director Williams having a confrontational meeting with [REDACTED], a [REDACTED] for the Chino Champion. She witnessed Director Williams wag his finger at [REDACTED] and say words to the effect of, "I can't believe you fuckin' wrote that I'm a disgruntled employee." [REDACTED] then told her adult son to take the grandchildren out of the room, while she found seats. She did not want her grandchildren to hear Director Williams using profanity.</p> <p>[REDACTED], [REDACTED] adult daughter, attended this event to see her mother recognized as Employee of the year. She became very uncomfortable when she saw Director Williams confronting a man whom she did not know. [REDACTED] saw Director Williams point his finger and become red in the face, and she heard him say the "F" word. She turned her back to what she considered a verbal "altercation," and she made sure her nephews did not witness it.</p> <p>[REDACTED] reported Director Williams' behavior the next day to [REDACTED], the [REDACTED], who then reported the incident to Fire Chief Shackelford.</p>	
<p>February 20, 2019</p>	<p>During a special meeting of the Board, President DeMonaco stated the following:</p> <p>PRESIDENT JOHN DEMONACO:</p> <p>And Mr. Williams, it's been reported to me that just prior to the Board Meeting on February 13th, you were talking with [REDACTED] of the Champion newspaper. During your conversation with [REDACTED], your demeanor was hostile, you were red in the face and you proceeded to use foul language, including the F word, which several people overheard.</p> <p>It is important to note that there were members of the public present, including children, although I consider the people who reported these actions to be very credible, I think it's appropriate to give you an opportunity to respond regarding the incident.</p> <p>DIRECTOR LORING WILLIAMS: If this did indeed occur, I'm sorry. ... I do apologize if this did indeed occur. I was not aware of it at the time. It seems like everything I do is under the microscope now, so I'm sorry about that, if that actually occurred.</p>	<p>Exhibit 22 at pages 5-6; 52-55, and 78-79; Exhibit 26 at page 58</p>

	<p>At the same meeting, Director Williams read a letter to him from Fire Chief Shackelford directing him to contact the Chief should he have a need for staff assistance or to enter any District facility. Director Williams then commented:</p> <p style="padding-left: 40px;">DIRECTOR LORING WILLIAMS: So, you know, what I really need to apologize for is perhaps my demeanor or the way that people perceive me. That's the one thing that I have a lot of trouble with. And I admit that. That is something that I truly have no control over. And clearly, it is something about my aura, or whatever, that is negative. And people really look at me negative.</p> <p>The meeting included a Board vote requiring a witness to be present during Director Williams' meetings with individual staff members and that the meetings would be recorded with notice provided to all those present.</p>	
<p>March 13, 2019</p>	<p>During a regular meeting of the Board, Fire Chief Shackelford reported on his lunch meeting with Director Williams on February 11, 2019 at BJ's Restaurant, in the presence of [REDACTED] and [REDACTED]. He included information about how Director Williams had asked for information about an employee who had been arrested, asked for details about employees seeking workers' compensation benefits, and Chief Shackelford also stated:</p> <p style="padding-left: 40px;">Director Williams proceeded to tell us about his experience with workers' compensation when he was an employee with the District. He mentioned that at several of his appointments with the doctor, he was given prescriptions for Vicodin. And he said something along the lines of he had taken a couple of doses, and really didn't care for it. And then he asked three of us if we knew anyone that would be interested in buying his Vicodin. And he said it's old, but it probably still works. His question really caught me off-guard. I kind of attempted to brush it off, and keep going with the conversation. He again then followed up later, and asked if we knew anyone that wanted to buy his Vicodin. We tried— between the three of us, tried to diffuse it, and made some comments about the age and effectiveness of the drugs at that point.</p> <p>And finally, as lunch was wrapping up, I asked Director Williams if he had any questions, or anything that he wanted to address. He indicated at that point that he wanted to speak with me privately, and [REDACTED]</p>	<p>Exhibit 23 at pages 53-56; and Exhibit 18</p>

	<p>██████████ and ██████████ offered to wait for me outside the vehicles. We had gone in one District vehicle to the meeting. After they left, Director Williams asked me what was going to happen on Wednesday, meaning the Board meeting. This was, I believe, a Monday. The Board meeting was coming up in a couple days. I explained to him that the letter he sent was going to be discussed in closed session, and also in the open session portion of the meeting. I also explained that he would not be able to participate in the closed session portion specific to that item. He was surprised by that and was not pleased.</p> <p>Director Williams then asked me how it would work with the open session item. I told him that I would not be running the meeting, and so I wasn't certain about what would occur, but likely the president would give him the opportunity to discuss what had taken place. I also reminded Director Williams at that point, the item was on the agenda at his request, that information was included in the letter that he provided to the Board.</p> <p>He then became agitated, and by that I mean, he raised his voice, his facial expression changed, and became more animated with his expressions, and using his hands as he spoke, and stated, and I quote, "This has gotten out of hand about the [expletive] copies. I was hoping that DeMonaco would diffuse this whole thing, but he didn't, and I'm mighty pissed off about it." He continued on and said, "I want you to think about this. I think you do a pretty good job as Chief and you and I get along. You need to go into closed session and tell the Board that you mishandled this whole thing, that it got out of hand and it should have never gotten to this point. Tell them you have apologized to me. During open session, you can apologize to me publicly, and you need to make it sincere. Then have Ballinger write me a letter of apology and this whole thing is over." He continued, "What do you think about that? You can diffuse this whole thing and make it go away."</p> <p>He then asked me again, "What do you think about that?" I replied that due to the threat of litigation I was not going to comment. He then stated, "I guess we will know on Wednesday night. On Wednesday night I will know what you decided, and I will know how things are going to go for you after that." I took his comment to mean that if I didn't do what he suggested it could impact my employment as Fire Chief.</p>	
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	<p>Director Williams then put his hand out to shake mine and said, "You know, I think you really screwed this whole thing up, you should have told ██████ to make the [expletive] copies. You can fix this whole thing, it's up to you." I shook his hand, got up and left the restaurant.</p> <p>In response, Director Williams stated in the Board meeting, "It all lies." The Board voted (4-1) to censure Director Williams during this same meeting. One of the provisions included requiring a witness be present during all meetings between Board Member Williams and any member of the Fire District staff and for the interactions to be recorded with notice to anyone being recorded.</p>	
<p>April 10, 2019</p>	<p>During a Board Meeting, Kyle Williams (believed to be the son of Director Williams), made a public comment calling for Fire Chief Shackelford to resign or be removed. He also said that Fire Chief Shackelford had obtained his position as Chief through a corrupt process.</p> <p>Later in the meeting, Director Williams admitted that he <i>had</i> discussed Vicodin with Fire Chief Shackelford and ██████ and ██████ on February 11, 2019. The record reflects that Director Williams said:</p> <p>You know what we're talking about on these drugs? I had these drugs 20 years. You know what? I don't have them. I didn't have them anymore. My wife, when – after I had that meeting with Tim, I went home and I told my wife about it before he made the allegation, and tried to say that I was a liar or something, or tried to say that I tried to sell him drugs. And I went home and told her about it and she says, I flushed those things five years ago. I didn't know I didn't have them. I'm not selling drugs. It was a joke...</p> <p>Just ask yourself, am I going to sit there with three fire chiefs and say, you want to buy drugs? Oh yeah, man. Come on. Get off of it. You guys are— anybody thinks that I'm a drug salesman is nuts. I've never had anything to do with drugs. I don't do anything with drugs. It was a joke. Period. And he knows it. He knows it and he knows it. They were all there. And I wasn't trying to sell drugs. It was a joke. And I don't even have drugs.</p>	<p>Exhibit 24 at pages 8, and 36-37</p>
<p>April 17, 2019</p>	<p>Director Williams arrived for an appointment with the District's ██████, related to Director Williams' iPad. The meeting took place at a</p>	<p>Shackelford and ██████ Statements;</p>

	<p>temporary reception counter because ██████ believed the meeting would only last a few minutes and Fire Chief Shackelford wanted to limit Director Williams' interactions with other District staff. Shortly after Director Williams and ██████ began talking about the iPad, Director Williams asked why he and his wife (who came with him) and ██████ had to meet at the reception counter. ██████ stepped away to talk to Fire Chief Shackelford about this question. The Chief was nearby, but out of sight.</p> <p>Fire Chief Shackelford and ██████ then returned to the reception counter to talk to Director Williams, whereupon Director Williams said words to the effect of, "You're being recorded." ██████ replied, "I wasn't aware of that." Fire Chief Shackelford then saw a digital recorder sitting on the counter. As part of Director Williams' censure, the Board had voted that, with the consent of all parties, interactions between Director Williams and District staff would be audio recorded. Neither Fire Chief Shackelford nor ██████ told Director Williams to turn off the digital recorder.</p> <p>Director Williams then asked again why the meeting was being held at the reception counter. Fire Chief Shackelford told Director Williams that a quick setup of his iPad would only last about five minutes. However, due to technical difficulties, the meeting lasted approximately 30 to 45 minutes, according to ██████.</p> <p>In a subsequent Board meeting on May 8, 2019, Director Williams admitted that he had recorded his interactions with ██████ and noted that he had the audio wherein ██████ told him to call if Director Williams' iPad would not work once he took it home. [Exhibit 25, at page 43]</p>	Exhibits 9, 20, and 25
May 16, 2019	Fire Chief Shackelford emailed Director Williams and noted that Director Williams had come that day to the District's offices without an appointment. Fire Chief Shackelford reminded Director Williams that all meetings with staff must be prearranged by appointment through Fire Chief Shackelford, that each meeting must have two staff members present and must be audio-recorded, based on a Board vote. He wrote that Director Williams' coming to the office and leaving a note for ██████ was in violation of the Board's directive related to censure of Director Williams, and that all requests for staff assistance must come about by Director Williams first contacting Fire Chief Shackelford.	Exhibits 12, 13, and 16

<p>May 30, 2019</p>	<p>At a Special Board Meeting of the Board of Directors, Director Williams stood up while the meeting was in session, walked over to Chief Shackelford and threw papers in a folder on the table in front of Fire Chief Shackelford. Director Williams announced that he was leaving and left the meeting while it was still in session. Board Directors are paid \$157.50 per meeting.</p> <p>Also, during this Board meeting, Fire Chief Shackelford reported that Director Williams had failed to follow restrictions placed upon him by the Board on nine occasions by attempting to contact District staff without first contacting Fire Chief Shackelford.</p>	<p>DeMonaco and ██████ Statements; Exhibits 14, 17, and 26</p>
<p>June 5, 2019</p>	<p>Director Williams arrived to a luncheon honoring the outgoing ██████, even though the Board had directed Director Williams not to attend so as to limit Director Williams' interactions with staff. Thus, Director Williams stood outside and peered inside the officer through a window as he ate his brown bag lunch.</p>	<p>Exhibit 14</p>
<p>June 12, 2019</p>	<p>Director Williams parked in the District's parking lot with his wife as a passenger. ██████ and ██████ saw them parked outside. ██████ avoided going into the parking lot until ██████ agreed to come with her to her car. Director Williams was parked outside the District officer so he could access the District's Wi-Fi and when ██████ walked out to her car, Director Williams loudly and aggressively yelled at her, "█████! What's the [Wi-Fi] code?" startling both ██████ and ██████.</p> <p>Director Williams arrived late to a scheduled Board Meeting on June 12, 2019. ██████ felt anxiety when she was giving the Board her presentation. Afterward she went to the restroom, and her staff later told her that Director Williams had yanked on the restroom door. After this meeting, ██████ went to her doctor, she was placed on a leave of absence related to her feeling stress and anxiety due to Director Williams' conduct toward her.</p> <p>On a previous occasion, ██████ felt uncomfortable when Director Williams approached her in the District parking lot, and he had yelled out to her asking her for the location of a meeting that she and Director Williams had discussed earlier in the day.</p>	<p>█████, and ██████ Statements; Exhibit 17</p>
<p>June 12, 2019</p>	<p>During a Board Meeting, on the record, Director Williams denied threatening any employee, He stated:</p> <p style="padding-left: 40px;">But I feel you guys have done enough by taking all my liaisons and everything else. I mean, why don't you bring a gun here and kill me? I mean, that's what you</p>	<p>Exhibit 27 at pages 64-66, and 83</p>

	<p>want. You want me out. I'm not going anywhere. The only way you're going to get me out of here is something like that, because I'm not going anywhere. But be reasonable. Be understanding, and don't take away my rights.</p> <p>In the same meeting, Director Williams spoke about how, in the past, when he had worked for the District, two supervisors had approached him and told him that some of the firefighters were worried about him "going Postal."</p>	
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## VII. FACTUAL ANALYSIS, AND CONCLUSIONS

**Issue #1: Whether Director Winn Williams pressured [REDACTED], on or about December 18, 2018, to make photocopies for him for personal purposes after she advised him that she could only make photocopies if they related to District business?**

Issue #1 is **SUSTAINED**. According to Fire District Policy Number 1025, Staff Support and Assistance, dated May 9, 2018, "...Board Members are entitled to receive clerical and administrative support services from assigned staff so long as it pertains to District business." **[Exhibit 3]**

On one hand, Director Williams has contended in writing **[Exhibit 7 and 30]** and in Board meetings, that the documents he requested [REDACTED] to photocopy were not for personal purposes. The facts on both sides of this question will be weighed and considered; the following facts tend to support the contention of Director Williams that his request for copies related to District business.

First, District [REDACTED] met with Director Williams on December 11, 2018, related to Director Williams' new position on the Board. Thus, the purpose of the meeting, in general, was to be for District business. Director Williams asked [REDACTED] if he was interested in "legal things," and he offered to provide [REDACTED] with documents related to Director Williams' longstanding legal battle with the District. [REDACTED] agreed to look at the documents. **[Exhibit 29]**

Second, while Director Williams declined to participate in this investigation, he has publicly denied threatening [REDACTED], and, in a Special Board Meeting on February 20, 2019, he argues that, "[REDACTED] version of things describes a bit of consternation and whatnot, but there was no threat or anything like that. And even her account does not say anything about threatening or anything. I just asked her to make the copies. I didn't yell or anything like that." **[Exhibit 22, page 82]**

On the other hand, however, the greater weight of the facts shows that Director Williams did pressure ██████████ to make photocopies, on December 18, 2018, and the copies were not related to his official duties as a Board Member.

First, ██████████ described to this investigator how, during a December 18, 2018 telephone conversation, she had informed Director Williams that she could only make photocopies of documents related to District business, that Director Williams continued to argue that he wanted the copies made, and that she felt both pressured, uncomfortable, and emotionally upset because Director Williams was insistent, repeated himself, and became agitated.

Second, ██████████ account of the events is bolstered by her contemporaneous email memorializing the encounter that she sent to Fire Chief Shackelford on December 19, 2018. **[Exhibit 28]** ██████████ statement to this investigator and her memorialization of the encounter show a consistency of memory. Fire Chief Shackelford corroborates that ██████████ told him about this conversation in person, as well, on December 18, 2018, and that ██████████ appeared upset, which supports a finding that she felt pressured and uncomfortable with Director Williams' request.

Third, on December 19, 2018, ██████████ wrote an email to Fire Chief Shackelford contemporaneous with the December 18 incident, wherein he confirmed that the documents in question related to Director Williams' retirement dispute with the District. Further, ██████████ wrote that while he had agreed to look at the documents, ██████████ did not consider the documents to be related to Director Williams' official duties as a Board Member, and he would not have billed the District for his time looking at the materials, because he did not consider them to be "work related." **[Exhibit 29]** Although Director Williams has argued in many Board meetings, that the two pages he planned to have photocopied for ██████████ were District business, this investigator finds that ██████████ assessment of the paperwork did not pertain to Director Williams' role as a Board Member; thus, it did not constitute a request for clerical support related to "District business," but rather, to his own personal legal dispute with the District.

Fourth, Chief Shackelford described in detail a meeting he had with Director Williams on January 7, 2019, wherein Director Williams stated his "belief" that the ██████████, was directing ██████████ to "do things against [him]" and his belief that ██████████ was "doing things to screw" with Director Williams. Director Williams' belief that ██████████ is somehow against him, weighs in support of a finding that that Director would feel that he needed to pressure her to comply with his requests.

In conclusion, based on a credibility assessment of the witnesses (considering the inherent plausibility of their respective views of the facts, corroborating documentation [exhibits] submitted by the witnesses, the respective parties' potential motivations to falsify their witness statements, consistency of memory, and corroborating witness

statements), and the applicable policies, it is the conclusion of this investigation, based on a preponderance of the evidence standard, that Issue #1 is **SUSTAINED**.

**Issue #2: Whether, on or about December 18, 2018, Mr. Williams told [REDACTED] even if it is against policy, sometimes he is going to ask [REDACTED] to make copies and he does not want any problems?**

Issue #2 is **SUSTAINED**. Director Williams declined to participate in this investigation, thus, no facts are in dispute regarding this issue, as analyzed below.

First, [REDACTED] is consistent and appears credible in her description of how Director Williams told her that even if his request is against policy, that he is sometimes going to ask [REDACTED] to make copies and he does not want any problems. [REDACTED] described in detail this December 18, 2018 conversation with Director Williams in a log of journal entries she started on November 14, 2018, and which she had continued through her July interview with this investigator. **[Exhibit 17]** Her statement to this investigator, her statement to, and subsequent email to, Chief Shackelford on the same topic **[Exhibit 28]**, and her log of interactions with Director Williams are each consistent with her allegation that Director Williams told her that he did not want any problems from her. **[Exhibit 17]**

Second, [REDACTED] memorialized the conversation in writing, "He repeated himself several times stating that he didn't want any problems when asking for copies. His voice was very forceful and agitated. I assured him there would be no problems as long as we worked together to identify if his requests were in compliance with Board Policy and again reminded him that I would do my best to keep us both within policy. He continued to repeat that he didn't want any problems. ... He said that even if it was against policy, sometimes he was going to ask me to make copies and he didn't want any problems. I understood that to mean that he was expecting me to at times break Board Policy at his request or I would have problems." **[Exhibit 17]** Based on her consistency of memory, the lack of any apparent motivation by [REDACTED] to have bias or to falsify her claim, and the corroborating documents, this investigator finds [REDACTED] version of events credible.

In conclusion, based on a credibility assessment of the witness (considering the inherent plausibility of her respective views of the facts, corroborating documentation [exhibits] submitted by the witness, consistency of memory, lack of bias or motivation to falsify), it is the conclusion of this investigation, based on a preponderance of the evidence standard, that Issue #2 is **SUSTAINED**.

**Issue #3: Whether Mr. Williams exhibited an aggressive demeanor toward Chief Shackelford on or about January 7, 2019, and used foul language to the effect of: “Who the fuck told Ballinger to send the letter?” and “This is about fucking copies, who told Ballinger to send the fucking letter?”**

Issue #3 is **SUSTAINED**. Director Williams declined to participate in this investigation, although it is surmised that he would deny the allegation. The only two witnesses to this conversation are Director Williams and Chief Shackelford. The following facts support Chief Shackelford’s version of events and that Director Williams said words to the effect of, “Who the fuck told Ballinger to send the letter?” and “This is about fucking copies. Who told Ballinger to send the fucking letter?”

First, Fire Chief Shackelford described in detail the January 7, 2019 meeting between himself and Director Williams, including that the two of them were sitting on an L-shaped couch in his office discussing Director Williams’ request to ██████████ that she make copies. Director Williams told Chief Shackelford that he thinks ██████████ was directing ██████████ to work against him [Director Williams]. He describes that Director Williams said words to the effect of, “Who the fuck told Ballinger to send the letter?” and “This is about fucking copies. Who told Ballinger to send the fucking letter?”

Second, Fire Chief Shackelford’s detailed recounting of the event includes that Director Williams was upset about a December 26, 2018 letter from the District’s General Counsel, Jeff Ballinger, regarding Director Williams’ request for copies. **[Exhibit 1]** This fact is corroborated by numerous statements made by Director Williams in Board Meetings that post-dated January 7, 2019, wherein he expressed his disdain about the letter he had received from Mr. Ballinger. For example, in the February 13, 2019 Board Meeting, Director Williams stated to Mr. Ballinger:

[Y]ou and Mr. DeMonaco made a decision to attack me personally. And as a consultant and attorney for the Board, you mishandled it. You completely mishandled it. My feeling is, is I should go to the bar, and say that you got with another Board Member to attack me personally. And that’s the way I see it, and that’s the way it is. And that’s what I’m going to do. **[Exhibit 21, at pages 30- 31]**

This statement weighs in favor of a finding that Director Williams was upset about having received the December 26 letter and that he sought to find out from Chief Shackelford who had “directed” Mr. Ballinger to write the December 26 letter. As analyzed below in Issue #8, at least one District employee, ██████████, has heard Director William use the F-word in public. ██████████ is an independent witness who has no known animus toward Director Williams. ██████████ affirmation that she heard Director Williams using the F-word in her presence, in public, tends to support a finding that Director Williams likely would have used the same or similar profane language during his confrontation with Chief Shackelford on January 7, 2019. This is especially because Director Williams was

upset about the content of the December 26 letter he had received from Mr. Ballinger, which was dated 12 days prior to his meeting with Chief Shackelford. **[Exhibit 1]**

Third, Fire Chief Shackelford describes how Director Williams became increasingly agitated during the course of the January 7, 2019 meeting, including when Chief Shackelford attempted to assuage any perception that [REDACTED] was giving directions to [REDACTED] or involved in the matter in any way. Given that Chief Shackelford told Director Williams that Chief Shackelford had reached out to Board President John DeMonaco and Mr. Ballinger after [REDACTED] had reported feeling pressured and upset by Director Williams, these statements by Chief Shackelford support a finding that Director Williams' purpose in meeting with Chief Shackelford was to determine "who told Ballinger to send the ... letter." Director Williams' objections to the December 26, 2018 letter are also contained in two letters written by Director Williams, dated January 3, 2019, and February 4, 2019, both which corroborate that he was upset about Mr. Ballinger's letter. **[Exhibits 7 and 30]**

Fourth, while no other witnesses were present for the January 7, 2019 discussion, the following witnesses corroborate that Director Williams has exhibited an aggressive demeanor toward them: [REDACTED], [REDACTED], [REDACTED], and John DeMonaco. Similarly, newspaper articles about Director Williams describe aggressive behavior. For example, Director Williams attempted to attend a District employee's retirement function to which he was not invited, so Director Williams stood outside the building and peered into a window, which weighs in favor of him having an aggressive demeanor and not accepting the fact that he was not invited to an event. **[Exhibit 14]**

Fifth, Director Williams admitted during a statement at a June 12, 2019 Board meeting that in the past when he had worked for the District, two of his supervisors approached him and told him that other Firefighters were worried about him "going postal." **[Exhibit 27 at page 83]** This past perception of Director Williams, as recalled by Director Williams himself, is one fact that tends to corroborate that he has an aggressive demeanor, and weighs in favor of a finding that he displayed this same demeanor when he angrily confronted Chief Shackelford on January 7, 2019, about the December 26 letter that upset him. **[Exhibit 1]**

Sixth, as analyzed below, in Issue #4, Director Williams showed a similar aggressive demeanor toward both Chief Shackelford and Board President DeMonaco one day later— on January 8, 2019— when discussing the same December 26 letter. Both Chief Shackelford and President DeMonaco witnessed and corroborate that on January 8 Director Williams became agitated, yelled, stood up quickly from his seat, and became red in the face. In fact, on January 8, 2019, Fire Chief Shackelford became so alarmed by the sudden movements by Director Williams, that it caused Fire Chief Shackelford to push back his own chair, away from the table, so he could be ready for any physical move from Director Williams. President DeMonaco characterized Director Williams' tone on



January 8, when Director Williams stood up, as “screaming” and “verbally violent,” which caused President DeMonaco to feel physically threatened by Director Williams. The January 8 actions by Director Williams support a finding that Director Williams was similarly aggressive the prior day, when he was alone with Chief Shackelford on January 7, 2019.

In conclusion, based on a credibility assessment of the witness (considering the inherent plausibility of his respective views of the facts, corroborating documentation [exhibits] submitted by the witness, the respective parties’ potential motivations to falsify their witness statements, consistency of memory, and corroborating witness statements), the findings of fact, the above factual analysis, it is the conclusion of this investigation, based on a preponderance of the evidence standard, that Issue #3 is **SUSTAINED**.

**Issue #4: Whether Mr. Williams exhibited an aggressive demeanor toward Chief Shackelford and Board President John DeMonaco on or about January 8, 2019, that frightened Chief Shackelford, including yelling and aggressively pointing at Mr. DeMonaco and Chief Shackelford?**

Issue #4 is **SUSTAINED**. Director Williams declined to be interviewed in this investigation; thus, his version of the January 8, 2019 meeting is unknown. However, the facts supporting a finding that Director Williams exhibited an aggressive demeanor toward Fire Chief Shackelford and Board President John DeMonaco on January 8, 2019, are:

First, Fire Chief Shackelford and President DeMonaco were both present to witness when Director Williams turned red in the face, began yelling, and jumped up from his seat as the three of them were talking in the Board Business Office at the District’s headquarters. Fire Chief Shackelford and President DeMonaco corroborate that Director Williams appeared agitated and aggressive. President DeMonaco describes Director Williams as “screaming” and “verbally violent” during this January 8 meeting.

Second, Fire Chief Shackelford and President DeMonaco both credibly describe how during Director Williams’ angry outburst, Director Williams stood up quickly, such that both Fire Chief Shackelford and President DeMonaco were unsure of Director Williams’ intentions and his next move. In that moment, Chief Shackelford felt “frightened,” “scared,” and “alarmed,” because he was backed into a corner at the table, and he felt he did not have much room to react if Director Williams became physical toward either him or President DeMonaco. In response to Director Williams pushing back his chair and quickly rising to his feet, Chief Shackelford pushed back his own chair from the table to be ready for a physical confrontation by Director Williams.

Third, Chief Shackelford and President DeMonaco corroborate that the meeting ended abruptly after Director Williams stood up, walked away from the table, retrieved a water bottle, returned to the table, but continued to yell and repeat his same arguments related

to his request for photocopies by [REDACTED]. At this point, both Chief Shackelford and President DeMonaco were seated. Director Williams was standing up, over President DeMonaco, and yelling aggressively. The fact that the entire exchange lasted less than ten minutes gives weight to a finding that the meeting ended abruptly.

Fourth, [REDACTED] and [REDACTED] corroborate that they heard a disturbance coming from inside the Board Business Office on January 8, 2019, and that they determined that the loud voice they were hearing was that of Director Williams. Given that the door to the Board Business Office was closed, the fact that these two employees could hear what [REDACTED] describes as “hollering” corroborates President DeMonaco and Fire Chief Shackelford’s version of events, specifically, that Director Williams had an aggressive demeanor and yelled at them both. [REDACTED] memorialized this event in a running log of notes she keeps about Director Williams’ actions. She logged the following:

Williams came in for a meeting with Chief Shackelford and President DeMonaco. [REDACTED] and I were meeting in my office and could hear Williams’s voice getting louder and louder until it sounded like he was hollering. This was a disturbing and frightening experience. We were both shocked and nervous in anticipation of what could happen next. I wasn’t sure what to do. We closed and locked the door. We then heard him leave abruptly. We could hear all of this through my closed door.

**[Exhibit 17]**

Fifth, President DeMonaco’s credibility regarding his recollection of the facts related to January 8, 2019, is bolstered by his statement made later on June 12, 2019, that shows his consistency of memory and serves as a prior consistent statement regarding his recollection of Director Williams’ behavior on January 8, 2019. Notably, Director Williams *did not* publicly deny the following statements made by President DeMonaco about the January 8 incident during the June 12, 2019 Board Meeting:

Do you recall the meeting you had with me and the Fire Chief in the Board Business Office when you jumped up from the table, screaming, demanding that I force somebody to give you an apology? And you were red-faced and you screamed and screamed and screamed. And then you came to a meeting and you said everybody could have diffused this, nobody diffused this, DeMonaco could have diffused this, Shackelford could have diffused this. The reality is the only person that could have diffused that was you. And that was when you were in the office and you were making demands. You didn't have to take it to the extremes that you did. You could have diffused it right there. **[Exhibit 27, at page 70]**

In conclusion, based on a credibility assessment of the witnesses (considering the inherent plausibility of their respective views of the facts, corroborating documentation [exhibits] submitted by the witnesses, the respective parties’ potential motivations to falsify their witness statements, consistency of memory, and corroborating witness statements), the findings of fact, the above factual analysis, it is the conclusion of this

investigation, based on a preponderance of the evidence standard, that Issue #4 is **SUSTAINED**.

**Issue #5: Whether Mr. Williams asked and then pressed Chief Shackelford at a lunch on or about February 11, 2019, to provide him with confidential personnel information about a District Firefighter employee?**

Issue #5 is **SUSTAINED**. No facts are in dispute about this issue. Three witnesses corroborate that Director Williams inquired, and then pressed Chief Shackelford for information, about a Firefighter employee of the District who had been arrested. The following factual analysis supports this conclusion.

First, on January 28, 2019, Fire Chief Shackelford emailed the Board of Directors, including Director Williams, to inform them that a fire suppression employee had been arrested and that he anticipated that a formal investigation would be launched. He noted in the email that he could not share the details of the incident. **[Exhibit 5]**

Second, on February 11, 2019, Fire Chief Shackelford met with Director Williams for lunch. [REDACTED] and [REDACTED] also attended. The agenda for the lunch, held at BJ's Restaurant in Chino, included a personnel update. **[Exhibit 6]** Chief Shackelford affirms that during this lunch discussion, Director Williams asked to know the identity of the Firefighter who had been arrested. Fire Chief Shackelford told Director Williams that he could not reveal the identity of the employee. Director Williams responded that, as a Board Director, he had "the right" to know the identity of the employee. Chief Shackelford again declined to provide details about the arrest, and he told Director Williams that the Human Resources Department would handle the personnel matter, in consultation with the District's General Counsel.

Third, according to Fire Chief Shackelford, after asking twice for the personnel details related to the arrested Firefighter, Director Williams asked Fire Chief Shackelford to tell him "the reason" for the arrest, without identifying the particular employee's name. Chief Shackelford again declined to provide the information to Director Williams.

Fourth, Fire Chief Shackelford's version of events is corroborated by both [REDACTED] and [REDACTED], both of whom were interviewed in this investigation. [REDACTED] describes Director Williams as pressing for details and saying, "I'm the Director here. I should know everything that's going on here." [REDACTED] recalls Director Williams not being happy when Fire Chief Shackelford declined to provide the details of the personnel matter, and Director Williams stated: "As a Board Member, I'm your boss. I should be able to know these things. How come I can't know these things?" Both [REDACTED] confirm that Fire Chief Shackelford did not reveal any confidential personnel details to Director Williams, despite Director Williams' persistence.

Fifth, contemporaneously recorded documents corroborate that the conversation took place as alleged. [REDACTED] and [REDACTED] both created contemporaneous personal notes about what transpired on February 11, 2019, during the lunch meeting with Director Williams. Both written accounts document that Director Williams asked Chief Shackelford for confidential personnel information of an employee. **[Exhibits 8 and 35]**

Sixth, Fire Chief Shackelford demonstrates consistency of memory and credibility in his statement when he recounted to the Board, during a meeting on March 13, 2019, the request made by Director Williams for the confidential personnel information of an employee. Chief Shackelford reported to the Board, regarding his conversation with Director Williams:

But prior to that actually meeting, I had advised the Board via an email that we had a potentially serious personnel matter. I didn't provide specific details about what had allegedly occurred, but I did want to advise the Board, in case they had become aware of it. During the meeting with Director Williams, he wanted more detail about it, and asked—he wanted to know who the person was, and what they had done. And I let him know that it was inappropriate for me to share and that I couldn't provide that level of detail for him. He did state at that point, that if it was a serious matter, the board needed to know the details, so they could decide what to do about it. Again, I stated to him that I wasn't at liberty to share that information with him. **[Exhibit 18, and 23 at pages 50-51]**

In conclusion, based on a credibility assessment of the witnesses (considering the inherent plausibility of their respective views of the facts, corroborating documentation [exhibits] submitted by the witnesses, consistency of memory, and corroborating witness statements), the findings of fact, the above factual analysis, it is the conclusion of this investigation, based on a preponderance of the evidence standard, that Issue #5 is **SUSTAINED**.

**Issue #6: Whether Mr. Williams asked Chief Shackelford at a lunch on or about February 11, 2019, if he knew anyone who might want to buy Mr. Williams' unused Vicodin?**

Issue #6 is **SUSTAINED**. In a public Board meeting on March 13, 2019, Director Williams responded to the allegation that he had asked the Fire Chief and two [REDACTED] if they knew anyone who might want to buy his unused Vicodin, by stating that the allegation is a "lie." **[Exhibit 18 and Exhibit 23 at page 56]** However, this statement by Director Williams is not credible, given corroborating facts and his own admissions related to the Vicodin comments. First, both [REDACTED] attended the luncheon on February 11, 2019, at BJ's Restaurant and both corroborate Fire Chief Shackelford's version of events: During a general discussion about workers' compensation claims by District employees, Director Williams discussed his own prior back injury and how he had Vicodin pills that

he no longer wanted or needed. He asked whether they knew of anyone who would want to buy his leftover Vicodin pills. Both [REDACTED] witness statements to this investigator corroborate each other and Chief Shackelford's version of the conversation.

Second, both [REDACTED] found Director Williams' request about selling his Vicodin so disconcerting that they later wrote notes about what happened at the lunch meeting. Their written accounts are similar and corroborate that Director Williams most likely did make comments about selling his leftover Vicodin. [REDACTED] wrote:

Near the end of the lunch meeting the conversation turned awkward as Director Williams asked if we knew of anyone that would buy Vicodin. ... Director Williams stated that he had bottles of Vicodin from a back injury while he was still working for the District. In an attempt to make light of the comment, I stated that the Vicodin was 18-20 years old and he would have to deeply discount the price - the previous conversation then resumed. As our lunch meeting concluded, Director Williams again broached the subject of Vicodin and remarked that if we knew of anyone that wanted some (Vicodin) to send them his way. **[Exhibit 35]**

[REDACTED] similarly wrote:

Director Williams during the course of the conversation mentioned that he had a lot of Vicodin that had been prescribed to him years ago when he had sustained an on duty back injury. He said the doctor just kept prescribing it to him. Director Williams asked if we knew if Vicodin lost its potency over time. We said we did not know. He stated something like, "I would be interested in selling it if you guys know anyone who would be interested." We assured him we were not interested. He mentioned again something like, "Well if you know anyone, I would like to sell it." **[Exhibit 8]**

Third, Chief Shackelford shows consistency of his memory, as both his statement to this investigator and his statement to the Board on March 13, 2019, wherein he reported Director Williams' comments about Vicodin, represent consistent statements. Chief Shackelford told the Board that on February 11, 2019, Director Williams said he had been given prescriptions for Vicodin, "and then he asked three of us if we knew anyone that would be interested in buying his Vicodin. And he said it's old, but it probably still works." **[Exhibit 23 at page 53]**

Fourth, the most convincing facts related to this issue come from admissions made by Director Williams himself, which corroborate that he discussed Vicodin during the lunch and that he, as he puts it, "joked" about selling it. Statements by Director Williams, on March 13, 2019, include:

When I was talking about Vicodin, I had mentioned the fact that when I was off work with my back, the doctor prescribed all kinds of Vicodin that I got, that I received. But I never took it. I didn't take it a couple of times. I never took it. And

we were talking about opioids and stuff like that also, but I said that I had taken opioids twice: when I had a kidney stone. And I said that when I came back to work, after my back, I says, I didn't even get in the door and the Fire Chief had me go for a drug test. He didn't bother to tell you that, did he? But he's not going to tell you everything, and he's going to use his position as the Fire Chief to give you a bunch of damn lies that I have no way of really saying that's not true, other than to say they're not true. **[Exhibit 23 at page 60]**

Statements by Director Williams, on April 10, 2019, include:

You know what we're talking about on these drugs? I had these drugs 20 years. You know what? I don't have them. I didn't have them anymore. My wife, when – after I had that meeting with Tim [Shackelford], I went home and I told my wife about it before he made the allegation, and tried to say that I was a liar or something, or tried to say that I tried to sell him drugs. And I went home and told her about it and she says, I flushed those things five years ago. I didn't know I didn't have them. I'm not selling drugs. It was a joke...

Just ask yourself, am I going to sit there with three Fire Chiefs and say, you want to buy drugs? Oh yeah, man. Come on. Get off of it. You guys are—anybody thinks that I'm a drug salesman is nuts. I've never had anything to do with drugs. I don't do anything with drugs. It was a joke. Period. And he knows it. He knows it and he knows it. They were all there. And I wasn't trying to sell drugs. It was a joke. And I don't even have drugs. **[Exhibit 24, pages 36-37]**

Both of these public statements represent admissions by Director Williams that he discussed Vicodin with the three Fire Chiefs, but they are also inconsistent statement, thereby weighing against his credibility on this subject. Specifically, he alleges that he brought up the medication in relation to a drug test he was required to take as a District employee. Then, in his second statement, a month later, he contends that “it was a joke,” and he “wasn't trying to sell drugs.”

Fifth, the fact that Director Williams admitted on April 10, 2019, that he had gone home and asked his wife about his unused Vicodin on or about February 11, 2019—prior to Chief Shackelford informing the Board about the Vicodin conversation—supports a finding that Director Williams did discuss the medication and possibly discussed selling it, as he admits that he inquired about its whereabouts upon returning home from his lunch with the three Chiefs.

In conclusion, based on a credibility assessment of the witnesses (considering the inherent plausibility of their respective views of the facts, corroborating documentation [exhibits] submitted by the witnesses, the respective parties' potential motivations to falsify their witness statements, evasiveness, consistency of memory, and corroborating witness statements), the findings of fact, and the above factual analysis, it is the



conclusion of this investigation, based on a preponderance of the evidence standard, that Issue #6 is **SUSTAINED**.

**Issue #7: Whether Mr. Williams threatened Chief Shackelford's employment on or about February 11, 2019, if the Chief did not: (1) tell the Board in a closed session Board meeting that he mishandled the situation in which Mr. Williams requested that the [REDACTED] make photocopies; (2) apologize to Mr. Williams in an open session Board meeting; and (3) have Jeff Ballinger, the District's Legal Counsel, write Mr. Williams a letter of apology?**

Issue #7 is **SUSTAINED**. Director Williams declined to participate in this investigation; thus, his version of his private conversation with Fire Chief Shackelford on February 11, 2019, is unknown. However, when Fire Chief Shackelford provided a summary of the meeting to the Board on March 13, 2019, Director Williams responded, "It's all lies." **[Exhibit 23 at Page 56]** On the other hand, however, the greater weight of the facts shows that Director Williams most likely threatened Chief Shackelford's employment and made the three requests of Director Williams, namely: (1) tell the Board in a closed session Board meeting that he [Fire Chief Shackelford] mishandled the situation in which Mr. Williams requested that the [REDACTED] make photocopies; (2) apologize to Mr. Williams in an open session Board meeting; and (3) have Jeff Ballinger, the District's Legal Counsel, write Mr. Williams a letter of apology?

First, Director Williams, in a Board Meeting on February 13, 2019, made similar statements to what Fire Chief Shackelford alleges Director Williams made at the conclusion of the lunch on February 11, 2019. Notably, Director Williams said to Mr. Ballinger, "You completely mishandled it," **[Exhibit 21, page 30]** regarding Mr. Ballinger writing the December 26, 2018 letter to Director Williams. **[Exhibit 1]**

Second, Director Williams, in a Board Meeting on February 13, 2019, also asked for an apology from President DeMonaco while addressing Mr. Ballinger:

If I don't get an apology from you, and I don't get an apology from Mr. DeMonaco for the way that you attacked me, for the way that you violated my rights as a Board Member, and the way that you mishandled this situation, I intend to move forward. All I'm asking for is an apology for you to say, "Yes, Mr. Williams, I mishandled it. We screwed up." Because you did, pure and simple. That's all you did. **[Exhibit 21, page 31]**

This statement from Director Williams shows the plausibility that Director Williams, on February 11, 2019, also told Chief Shackelford that he wanted Mr. Ballinger to write a letter of apology, because Director Williams made the same request on February 13, 2019. Similarly, Director Williams demanded an apology from President DeMonaco, which weighs in favor of a finding that Director Williams similarly told Fire Chief Shackelford that he wanted an apology from him, as well. Similarly, Director Williams told

Mr. Ballinger, during the public meeting, that if he did not apologize, then he would report Mr. Ballinger to the California State Bar, which tends to corroborate that Mr. Williams also threatened action against Fire Chief Shackelford if he did not receive apologies. **[Exhibit 21, page 31]**

Third, Director Williams has made comments disparaging Fire Chief Shackelford, including calling him a liar, in open sessions of Board Meetings, which have occurred since February 11, 2019. For example, on March 13, 2019, Director Williams said of Chief Shackelford, "I didn't know he was a liar, but he is a liar." **[Exhibit 23, page 61]** Thus, Director Williams appears to be following through on his threat to Chief Shackelford's employment by making negative comments about the Chief. Further, Director Williams' son, Kyle Williams, appeared at the April 10, 2019 Board Meeting, calling for Chief Shackelford's resignation, or in the alternative, his removal as the Fire Chief. **[Exhibits 19 and 24, pages 8-9]**

Fourth, Fire Chief Shackelford is consistent in his multiple statements about his conversation with Director Williams on February 11, 2019. Chief Shackelford summarized the conversation in a public Board meeting on March 13, 2019, and described to the Board of Directors how Director Williams had told him, "I will know how things will go for you after that," after Director Williams requested Fire Chief Shackelford to tell the Board that he [Shackelford] had mishandled the photocopy request, apologize to Director Williams in an open session, and direct Mr. Ballinger to write him a letter of apology. Chief Shackelford's statement to this investigator and his statement to the Board **[Exhibit 23, pages 65-66]** show consistency of memory.

Fifth, [REDACTED], who (by the time of his interview with this investigator) no longer works for the District, has no known motivation to falsify his statement; and he corroborates Chief Shackelford's version of events. Although only Director Williams and Chief Shackelford remained in BJ's Restaurant during their private discussion, upon Chief Shackelford's return to the vehicle, where [REDACTED] and [REDACTED] were waiting, Chief Shackelford contemporaneously reported what had just occurred. [REDACTED] recalls Fire Chief Shackelford telling the two [REDACTED] that Director Williams had asked him to "fall on the sword" regarding Williams' photocopy request to [REDACTED], and that the Chief should tell the rest of the Board that the matter was Chief Shackelford's fault. [REDACTED] also corroborates that Chief Shackelford told them that Director Williams had directed Chief Shackelford to admit that he had blown the photocopy issue out of proportion, and that Director Williams had said, "I thought you were a good Chief. I could make this difficult to you." Upon hearing this summary from Chief Shackelford, [REDACTED] formed the opinion that Director Williams was threatening to cause problems for Chief Shackelford.

Sixth, [REDACTED] corroborates that when Chief Shackelford came out to the parking lot from BJ's Restaurant, Chief Shackelford made statements about what had just



occurred between himself and Director Williams while he and Director Williams had spoken privately. [REDACTED], who has no known biases or motivations to falsify his statements, corroborates that Chief Shackelford told him and [REDACTED] that Director Williams had told the Chief to “make it go away” regarding the photocopy issue, and that Director Williams had made a veiled threat about Chief Shackelford’s employment. This statement by [REDACTED] tends to corroborate that Director Williams made the statements and threats to Chief Shackelford as alleged in this issue.

Seventh, Director Williams has acted aggressively toward Chief Shackelford following February 11, 2019, which weighs in favor of a finding that Director Williams told Chief Shackelford that he needed to take responsibility for the photocopy issue, apologize, and tell Mr. Ballinger to write a letter of apology. Given that Chief Shackelford has not done any of those things, and given that Director Williams has shown public anger at Chief Shackelford, it is inherently plausible that Director Williams is angry as a result of Fire Chief Shackelford not adhering to Director Williams’ February 11, 2019 requests or threats. An example of this aggressiveness occurred on May 30, 2019, when Director Williams stood up during the course of a Special Board Meeting, announced that he was leaving for a dinner, and walked over to Chief Shackelford and threw paperwork in a folder down on the table in front of the Chief. [REDACTED], President DeMonaco, [REDACTED], and [REDACTED], as well as anyone else at the Board meeting, witnessed this act. [REDACTED] described Director Williams as demonstrably “angry.” The event is also memorialized in the transcript of the May 30, 2019 Special Board meeting as follows:

VICE PRESIDENT HARVEY LUTH: His disrespect, walking out. I agree, we’re in the middle of a meeting and just to throw those papers down was just inappropriate. **[Exhibit 26, page 87]**

In conclusion, based on a credibility assessment of the witnesses (considering the inherent plausibility of their respective views of the facts, corroborating documentation [exhibits] submitted by the witnesses, the respective parties’ potential motivations to falsify their witness statements, consistency of memory, and corroborating witness statements), the findings of fact, the above factual analysis, it is the conclusion of this investigation, based on a preponderance of the evidence standard, that Issue #7 is **SUSTAINED**.

**Issue #8: Whether Mr. Williams used foul language in front of District employee [REDACTED], her children, and her young grandchildren, when speaking to a news reporter on District property on or about February 13, 2019, stating words to the effect of: “I can’t believe you fucking wrote I am a disgruntled employee”?**

Issue #8 is **SUSTAINED IN PART**. On the one hand, Director Williams did not participate in this investigation; however, on February 20, 2019, during a special Board meeting, he apologized regarding the allegation that he had used the “F-word” when speaking to newspaper reporter [REDACTED] just prior to the February 13, 2019 regular Board meeting, in the presence of the public and children. When asked for his response, at the February 20, 2019 Board meeting, to the allegation that his demeanor the week prior was hostile, that he was red in the face, and that he used foul language, including the F word, in the presence of children, Director Williams said, “If this did indeed occur, I’m sorry.” **[Exhibit 22 at page 6]** He repeated, “I do apologize if this did indeed occur. I was not aware of it at the time. It seems like everything I do is under the microscope now, so I’m sorry about that, if that actually occurred.” **[Exhibit 22 at page 6]** While this is not a direct admission, Director Williams’ statement is also not a denial, thus, giving credibility to the plausibility of the alleged event occurring.

Second, this investigator searched online and reviewed Chino Champion news articles written by [REDACTED], which contained the last name “Williams,” for the period November 2018, through February 2019, and found no reference to Director Williams being referred to as a “disgruntled employee.” Thus, the alleged quote above wherein Director Williams is accused of stating to [REDACTED], “I can’t believe you fucking wrote I am a disgruntled employee,” has not been confirmed by a review of the news articles (within the timeframe searched) because the articles do not contain a reference to Director Williams as a disgruntled employee.

Third, according to Fire Chief Shackelford, after the scope of this investigation became public, [REDACTED] approached him and told him that he did not recall Director Williams confronting him and saying words to the effect of, “I can’t believe you fucking wrote I am a disgruntled employee.” Given that newspaper reporters commonly are known to retain facts or take notes, [REDACTED] memory on this topic could likely be trusted, which weighs against a finding that Director Williams made the statement as phrased. Notably, according to Chief Shackelford, [REDACTED] also told the Chief that he [REDACTED] would not be surprised if Director Williams had made such a statement.

On the other hand, however, the greater weight of the facts shows that although Director Williams may not have said the exact quote, as alleged, it has been shown by a preponderance of the evidence that he confronted [REDACTED] on February 13, 2019, appeared hostile, and used foul language in the presence of children.

First, as noted above, Director Williams did not deny that he made the statement or that he swore at ██████████ in public. **[Exhibit 22 at page 6]**

Second, ██████████ and ██████████ both recalled the Board Meeting on February 13, 2019, at the District's Training Center, and they both corroborate that they saw Director Williams "clearly yelling" at ██████████, and both ██████████ and ██████████ heard Director Williams say the "F-word."

Third, ██████████ and ██████████ both offered similar descriptions of: (1) the setting; (2) to whom Director Williams was speaking; and (3) they described Director Williams as "clearly angry, red in the face, and pointing his finger," [██████████ Statement] and "very irritated, beat red in his face, and wagging his finger" [██████████ Statement]. Both witnesses also corroborate that Director Williams was standing in close proximity to them, and ██████████ three grandchildren, ranging in age from 4 years old to 7 years old were nearby.

Fourth, while Fire Chief Shackelford did not hear Director Williams' comments directly, he corroborates that he was present in the Training Center auditorium prior to the start of the February 13, 2019 Board meeting, and he observed that Director Williams appeared agitated while speaking to ██████████. He also saw some of ██████████ family members moving away from Director Williams and ██████████.

Fifth, ██████████ lacks any known motivation to falsify her statements about this incident, which occurred in public and in the presence of witnesses. She does not regularly attend Board meetings nor interact with the Board Members. She reports that while she has observed Director Williams act upset at meetings in the past, she had never previously heard him swear. ██████████ presents as a credible witness, with no apparent disposition for dishonesty.

Sixth, ██████████ similarly lacks any apparent motivation to falsify her statements about this event, as she does not work for the District, and she has had no contact with Director Williams. Her credibility and her version of events is bolstered by the fact that based on this singular observation of Director Williams, she no longer would feel comfortable coming to a Fire District Board meeting.

In conclusion, based on a credibility assessment of the witnesses (considering the inherent plausibility of their respective views of the facts, corroborating documentation [exhibits] submitted by the witnesses, the respective parties' potential motivations to falsify their witness statements, consistency of memory, and corroborating witness statements), the findings of fact, the above factual analysis, and the applicable policies, it is the conclusion of this investigation, based on a preponderance of the evidence standard, that Issue #8 is **SUSTAINED IN PART**, because Director Williams may not have said the words "disgruntled" employee during his confrontation with ██████████.

**Issue #9: Whether Mr. Williams recorded his conversation with District employee [REDACTED] on or about April 17, 2019, without first notifying [REDACTED] and/or obtaining [REDACTED] consent?**

Issue #9 is **SUSTAINED**. The facts on both sides of this issue will be discussed, considered, and weighed, with the facts that dispute this allegation discussed initially.

First, per a Board vote on February 20, 2019, a witness is required to attend any meetings between Director Williams and any District employee, and all such meetings should be audio-recorded, with notice given to all parties participating in the meeting. This requirement passed with a vote of 4-1 (Williams voting “no”). **[Exhibit 22, pages 76 to 79]** The measure was summarized by District Counsel Isaac Rosen, on May 30, 2019, in the following way:

The second motion that was passed at the February 20, 2019 meeting was a requirement that a witness be in attendance at all meetings between Board Member Williams and any member of District staff and allowing for a recording of these meetings with notice provided to all participating members. **[Exhibit 26 at page 68]**

Thus, an argument could be made that Director Williams had no choice but to record the interaction with [REDACTED], although he was required to provide “notice” to [REDACTED], which he did not do.

Second, Director Williams admits that he recorded his interaction with [REDACTED] as required by the Board. **[Exhibit 25 at page 42]** Director Williams brought up this subject when he was criticized for directly calling [REDACTED], to point out that he had a recording of their April 17, 2019 meeting. Director Williams notes that [REDACTED] provided his telephone number and said to call him [REDACTED] if Director Williams was unable to gain access to his District-issued iPad upon returning home.

*[Investigator’s Note: Per Board restrictions on Director Williams, he is not authorized to call District staff directly. He must coordinate telephone calls and meetings with staff through Chief Shackelford.]*

Third, Fire Chief Shackelford and [REDACTED] both corroborate that when Director Williams arrived to meet with [REDACTED], after Director Williams accused [REDACTED] of being late, Director Williams asked why their meeting was taking place standing up at the reception counter. [REDACTED] explained that it was because the meeting would be short. Director Williams told [REDACTED] to go find out why they could not go to an office, and [REDACTED] stepped away from the desk to talk to Chief Shackelford, who was nearby behind a row of cubicles. Then, when the Chief and [REDACTED] returned to the counter, Mr. Williams announced to both of them that he was recording. Given this scenario, some weight should be given to the position that the interaction and the meeting had not yet begun officially because no witness was present (other than Director Williams’ wife).

Thus, the initial discussion had only been about where the meeting would occur. Given that ██████ did not see the recorder until he returned to the counter with Chief Shackelford, it is inherently plausible that Director Williams did not take the recorder out and turn it on until ██████ stepped away to ask the Chief about the meeting location.

On the other hand, however, the greater weight of the facts shows that Director Williams most likely recorded ██████ for a short period at the start of their meeting on April 17, 2019, prior to Director Williams providing notice to ██████ that he was audio-recording.

First, ██████ reports that he and Director Williams had a verbal exchange at the front counter, which made ██████ feel uncomfortable because Director Williams was challenging him and asking him why they could not go to an office to discuss setting up Director Williams' iPad. ██████ walked away to go tell Chief Shackelford that Director Williams wanted to go into the Board Business Office for their meeting, and when ██████ returned to the counter with Chief Shackelford, he noticed that Director Williams was audio recording with a small digital recorder. He credibly describes how when he said, "I was unaware that I was being recorded," that Director Williams replied, "Yes, I have been recording this conversation." ██████ has no motivation to lie about this exchange. He is not known to regularly interact with Director Williams such that he would form a bias against, or animosity toward, Director Williams.

Second, although Director Williams made it known to ██████ that he was recording—after ██████ returned to the counter with Chief Shackelford—█████ reports that Director Williams never asked ██████ if Director Williams had his prior consent to audio-record their conversation.

Third, ██████ describes how he had to call ██████ to come to the counter and help with the iPad setup. He never heard Mr. Williams inform ██████ that she was being audio-recorded, although the recorder was in plain sight, so she may have surmised that the recorder was turned on. This fact shows a propensity on the part of Mr. Williams to simply turn on the recorder, leave it out visible, and not request verbal consent from the other staff members being recorded.

Fourth, Chief Shackelford corroborates ██████ version of events because when Chief Shackelford returned to the counter with ██████, Director Williams announced that he was recording (he did not ask for "consent," but he did provide notice). At this point, ██████ said, "I was not aware of that." Chief Shackelford heard ██████ make the statement, so he formed the opinion that Director Williams had not provided prior notice to ██████ about turning on the recorder. Thus, Chief Shackelford is a witness to ██████ statement that he was not aware of any recording prior to Mr. Williams announcing it was occurring.

Fifth, Chief Shackelford shows consistency of memory because his report to the Board on May 8, 2019 [Exhibits 20 and 25 at page 39] is consistent with his statement to this investigator. This tends to bolster Chief Shackelford's credibility and weighs in favor of a finding that the encounter he described did occur. However, Chief Shackelford was not physically present when Director Williams and ██████████ were first discussing the meeting location and whether ██████████ was late for their meeting. Thus, Chief Shackelford did not directly witness if Director Williams had recorded prior to giving notice.

Sixth, ██████████ memorialized the interaction within two hours of it occurring via an email to ██████████, wherein he wrote, in part, "I was not aware of the recording until a few minutes later when Chief Shackelford approached and Director Williams advised him that he is recording. I made a comment that I was unaware he was recording our interactions." [Exhibit 9] This email, sent close in time to the event, tends to corroborate ██████████ version of events.

In conclusion, based on a credibility assessment of the witnesses (considering the inherent plausibility of their respective views of the facts, corroborating documentation [exhibits] submitted by the witnesses, the respective parties' potential motivations to falsify their witness statements, bias, consistency of memory, and corroborating witness statements), the findings of fact, and the above factual analysis, it is the conclusion of this investigation, based on a preponderance of the evidence standard, that Issue #9 is **SUSTAINED**.

**Issue #10: Whether, (as Mr. Williams asserted after Chief Shackelford read his statement at the March 13 Board meeting), Chief Shackelford lied when he read his statement at the March 13, 2019 Board meeting?**

Issue #10 is **NOT SUSTAINED**. Director Williams declined to participate in this investigation, but on March 13, 2019, after Chief Shackelford gave a verbal statement to the Board in open session [Exhibits 18 and 23], Director Williams stated, "It's all lies." [Exhibit 23 at page 56]. He went on to say of Chief Shackelford, in the same March 13, 2019 Board Meeting, "I didn't know he was a liar, but he is a liar." [Exhibit 23 at page 61] Thus, Director Williams has asserted publicly that Chief Shackelford was untruthful in his March 13, 2019 statement to the Board regarding Director Williams. On the other hand, however, the greater weight of the facts shows that Chief Shackelford most likely did not falsify his statements to the Board when he made the following statement:

TIM SHACKELFORD: President DeMonaco, members of the board, yes, I will. And before I share that with you, I do want to offer this: I've worked for the District for over 27 years. I've been a chief officer since 2007, and I've never been in this position before, and I've never been in the position before where I felt obligated after interacting with a Board Member that I needed to document what occurred at that meeting. I do take notepads to the meetings, as all of you know, and generally

I'll scratch a small note, of something I need to follow up on, or a question that I need to address and get back to you on, on a variety of matters.

So, with that said, I met with Director Williams on February 11th at noon at BJ's Restaurant, and that was part of a monthly meeting, scheduled. And I also had [REDACTED] and [REDACTED] that attended that meeting along with me. There was really three areas that I was concerned about that I shared with President DeMonaco. And I'll go through these, and I'm going to read some things here, and keep in mind that these are notes that I typed up for myself here, so the grammar may not be spot-on; I did it pretty quickly. But prior to that actual meeting, I had advised the Board via an email that we had a potentially serious personnel matter. I didn't provide specific details about what had allegedly occurred, but I did want to advise the Board, in case they had become aware of it. During the meeting with Director Williams, he wanted more detail about it, and asked -- he wanted to know who the person was, and what they had done. And I let him know that it was inappropriate for me to share and that I couldn't provide that level of detail for him. He did state at that point, that if it was a serious matter, the Board needed to know the details, so they could decide what to do about it. Again, I stated to him that I wasn't at liberty to share that information with him. I did let him know that we are obligated to follow the procedures of the Firefighters Bill of Rights, that we don't make any decisions without first consulting with our HR Director, and that in serious matters and something of this type of situation, General Counsel is engaged with us in nearly every step of the way of the process, working hand in hand with our HR director and our command staff before anything is done.

We then began to talk about some workers' compensation issues. At that time, we had a number of personnel off work on workers' comp, for work-related injuries. And for everyone listening tonight, the rationale of sharing that information with the Board, there is valid rationale for that, and that's because there's a direct impact to our budget, both on the workers' compensation side, in terms of billing for that, and then also on the backfill or overtime component of that, and we've had a significant number of work-related injuries this year. In fact, I believe we'll be coming back to the Board here in the future looking for some additional money, as we've exceeded our budget with that. During that discussion with Director Williams, he asked some questions about who they were and how they were injured. Again, we explained that we couldn't provide that level of detail with him, but that there were some serious injuries likely needing surgery, and we would anticipate them being off work for quite some time. And he again followed up, wanted some additional information. And I shared some generic things with him, without any names, that we had some things like back and shoulder injuries, et cetera, that we could have employees off for several months.

At that point during the discussion, Director Williams proceeded to tell us about his experience with workers' compensation when he was an employee with the District. He mentioned that at several of his appointments with the doctor he was given prescriptions for Vicodin. And he said something along the lines of he had

taken a couple of doses, and really didn't care for it. And then he asked three of us if we knew anyone that would be interested in buying his Vicodin. And he said it's old, but it probably still works. His question really caught me off-guard. I kind of attempted to brush it off, and keep going with the conversation. He again then followed up later, and asked if we knew anyone that wanted to buy his Vicodin. We tried— between the three of us, tried to diffuse it, and made some comments about the age and effectiveness of the drugs at that point. And finally, as lunch was wrapping up I asked Director Williams if he had any questions, or anything that he wanted to address. He indicated at that point that he wanted to speak with me privately, and [REDACTED] and [REDACTED] offered to wait for me outside the vehicles. We had gone in one District vehicle to the meeting.

After they left, Director Williams asked me what was going to happen on Wednesday, meaning the Board meeting. This was, I believe, a Monday, the Board meeting was coming up in a couple days. I explained to him that the letter he sent was going to be discussed in closed session, and also in the open session portion of the meeting. I also explained that he would not be able to participate in the closed session portion specific to that item. He was surprised by that and was not pleased. Director Williams then asked me how it would work with the open session item. I told him that I would not be running the meeting, and so I wasn't certain about what would occur, but likely the President would give him the opportunity to discuss what had taken place. I also reminded Director Williams at that point, he item was on the agenda at his request, that information was included in the letter that he provided to the Board.

He then became agitated, and by that I mean, he raised his voice, his facial expression changed, and became more animated with his expressions, and using his hands as he spoke, and stated, and I quote, "This has gotten out of hand about the expletive copies. I was hoping that DeMonaco would diffuse this whole thing, but he didn't, and I'm mighty pissed off about it." He continued on and said, "I want you to think about this. I think you do a pretty good job as Chief, and you and I get along. You need to go into closed session and tell the Board that you mishandled this whole thing, that it got out of hand, and it should have never gotten to this point. Tell them you have apologized to me. During open session, you can apologize to me publicly and you need to make it sincere. Then have Ballinger write me a letter of apology and this whole thing is over."

He continued, "What do you think about that? You can diffuse this whole thing and make it go away." He then asked me again, "What do you think about that?" I replied that due to the threat of litigation I was not going to comment. He then stated, "I guess we will know on Wednesday night. On Wednesday night I will know what you decided, and I will know how things are going to go for you after that." I took his comment to mean that if I didn't do what he suggested, it could impact my employment as Fire Chief. Director Williams then put his hand out to shake mine and said, "You know, I think you really screwed this whole thing up, you should have told [REDACTED] to make the expletive copies. You can fix this whole thing, it's up to you." I shook his hand, got up and left the restaurant. **[Exhibit 23, pages 49-56]**



First, the veracity of the individual allegations made by Chief Shackelford in his statement to the Board on March 13, 2019, are analyzed in Issues #5-7, and that analysis is fully incorporated herein. As noted in Issue #5, the allegation that Director Williams asked Chief Shackelford at the lunch on February 11, 2019, to provide him confidential personnel information about a Firefighter is **SUSTAINED**. The statements of Director Williams, as recited by Chief Shackelford during the March 13, 2019 meeting, most likely occurred. [REDACTED] and [REDACTED] were present and heard Director Williams make the comments as alleged, and no facts demonstrate that Director Williams did not make the comments, as alleged. No facts support a finding that Fire Chief Shackelford falsified his statements when he reported Director Williams February 11, 2019 statements to the Board on March 13, 2019.

Second, as noted in Issue #6, the allegation that Director Williams asked Chief Shackelford, at the lunch February 11, 2019, if he knew anyone who might want to buy Mr. Williams' leftover Vicodin pills is **SUSTAINED**. [REDACTED] and [REDACTED] were present and heard Director Williams make the Vicodin comments twice, and Director Williams admitted he made the statement about Vicodin, but as "a joke." **[Exhibit 24 at pages 36-37]** The Chief and [REDACTED] did not perceive the comments to be said as a joke. No facts support a finding that Chief Shackelford fabricated Director Williams' statements.

Third, as noted in Issue #7, the allegation that Director Williams threatened Chief Shackelford's employment on or about February 11, 2019, if the Chief did not: (1) tell the Board in a closed session Board meeting that he mishandled the situation in which Director Williams requested that the [REDACTED] make photocopies; (2) apologize to Mr. Williams in an open session Board meeting; and (3) have Jeff Ballinger, the District General Counsel, write Director Williams a letter of apology is **SUSTAINED**. Given that two days later, on February 13, 2019, Director Williams made similar requests of Mr. Ballinger and President DeMonaco that they take responsibility for "mishandle[ing]" the photocopy request and apologize to him **[Exhibit 21 at pages 30-31]**, no facts support Director Williams contention that Chief Shackelford gave false statements when he reported on March 13, 2019, that Director Williams made similar requests of him.

In conclusion, based on a credibility assessment of the witnesses (considering the inherent plausibility of their respective views of the facts, corroborating documentation [exhibits] submitted by the witnesses, the respective parties' potential motivations to falsify their witness statements, timing, consistency of memory, and corroborating witness statements), the findings of fact, and the above factual analysis, it is the conclusion of this investigation, based on a preponderance of the evidence standard, that Issue #10 is **NOT SUSTAINED**.

## VIII. WITNESS STATEMENTS

### Tim Shackelford Statement

*[Investigator's Note: Fire Chief Shackelford is a subject of this investigation, based on the counter-claim raised in Issue #10. He stated that he is aware of the nature and extent of the topic of his interview, that he has been afforded his rights under the Firefighter's Bill of Rights Act, and declined representation in this interview.]*

Tim Shackelford began working for the District in 1991 as a Firefighter, and became a Firefighter/Paramedic in 1997. In 2003, he was promoted to Captain; he was promoted to Training Administration Battalion Chief in 2007; in 2010 or 2011, he became a Deputy Chief. He worked two stints as the interim Fire Chief, and he became the Fire Chief in May 2014. He was promoted by the District's Board of Directors—three of whom are still on the Board as of the date of his interview: John DeMonaco, Sarah Ramos-Evinger, and Mike Kreeger. He previously worked with Director Williams when Director Williams was a Fire Captain in the District, usually on over-time shifts at Station 64. He never received any written discipline from then-Captain Williams.

Chief Shackelford was asked about his past history with Director William when Williams had been an employee. He states that, in the past, he and then-Captain Williams had verbal confrontations when the two of them were working together, mostly related to interactions at the Fire Station. He explains that then-Captain Williams did not contribute to the house dues for cooking supplies, but then William tried to use the cooking supplies, and then-Captain Williams claimed that one of the two station restrooms was his alone to use. He notes that then-Captain Williams also used a vacuum at night and made noise so the Firefighters were unable to sleep. He describes then-Captain Williams as rude during interactions with the public as well, including asking inappropriate questions of citizens.

Chief Shackelford states that he did not directly witness an alleged incident when Director Williams spoke to ██████████ about making photocopies, but he heard about the interaction from ██████████. He explains that ██████████ told him about the request by Director Williams to make photocopies on December 18, 2018, and he asked ██████████ to summarize the discussion in an email, which he received on December 19, 2018. **[Exhibit 28]**

Chief Shackelford states that ██████████ and he discussed the request in person on December 18, 2018, and she appeared upset. He notes that ██████████ had a "history" with Director Williams dating back to 2005, when Director Williams had a prior term on the Board. He states that ██████████ felt Director Williams was pressuring her to make photocopies, in violation of a Board policy. ██████████ was trying to get Director Williams to focus on the Board policy and make his request for two photocopies fall within

parameters of the policy. He describes how [REDACTED] told him that Director Williams had said that he was going to ask her to do things from time to time, outside of Board policy, and that she needed to do it. He states that [REDACTED] told him that Director Williams became agitated and “a little loud” over the telephone and kept repeating his point to drive it home. He believes the discussion occurred during a telephone call between Director Williams and [REDACTED]. Director Williams said that he did not want to have problems with [REDACTED], and he wanted the copies made for [REDACTED]. He notes that the copies related to Director Williams’ retirement dispute with the District.

Chief Shackelford states that on January 3, 2019, Director Williams unexpectedly visited Chief Shackelford in his office and dropped off a letter for Board President DeMonaco. He notes that Director Williams came into his office, stood there, and was waving the letter and said, “Up until now, you and I have gotten along, and I think you do a pretty good job as Chief, but I’m upset about this letter.” He notes that Director Williams was referencing a letter from the District’s General Counsel. He describes Director Williams as upset, leaning forward, standing over the desk, and raising his voice toward Chief Shackelford saying, “You need to read the letter and think about it, and then we can meet to talk about it.” He explains that he set a meeting with Director Williams for January 7, 2019.

Chief Shackelford states that on January 7, 2019, Director Williams had a scheduled meeting with an employee in the District’s Information Technology Department [REDACTED] to setup an iPad for District business. Director Williams and Chief Shackelford were then scheduled to meet around 10:00 a.m. He notes that their meeting began in a “cordial manner,” but it quickly transitioned into Chief Shackelford feeling like he “was being talked to,” as Director Williams became agitated when discussing a letter from the District’s General Counsel, Jeff Ballinger. He explains that he tried to tell Director Williams that the letter from attorney Ballinger to Director Williams was due to Director Williams’ request for photocopies and his interaction with [REDACTED]. He states, “I explained to him that the [REDACTED] [REDACTED] had shared her concerns and that I, in turn, sought some advice from Legal Counsel and also had discussed it with the Board President as this was a Board issue.” He explains that President DeMonaco had suggested that Chief Shackelford involve General Counsel and then Mr. Ballinger sent Director Williams a letter.

Chief Shackelford states that on January 7, 2019, Director Williams told him that he believed the [REDACTED] was directing [REDACTED] to “do things against [him].” Director Williams also said that [REDACTED] was “doing things to screw” with Director Williams, at the direction of the former Chief. He notes that Director Williams said that because [REDACTED] had sent a congratulations message on [REDACTED] service anniversary, that [REDACTED] was still connected to [REDACTED]. He explains that when he told Director Williams that he did not think [REDACTED] was involved

with [REDACTED] actions toward Director Williams, Director Williams “became even more aggressive. That’s when he demanded— he said, ‘Who the fuck told Ballinger to send the letter?’ He had become very red in the face, very agitated, leaned forward in the chair and doing lots of pointing and again his voice was raised.” He explains that this meeting took place in his office; he and Director Williams were seated on an L-shaped sofa. He adds that when Director Williams leaned forward and pointed, Director Williams’ finger was a few feet away from Chief Shackelford’s face. He did not think Director Williams would hit him, and he was not fearful, but he was intimidated and surprised that Director Williams was so upset and angry. He describes Director Williams’ voice as being “to the point of yelling,” but he does not know if any other employees heard Director Williams, although [REDACTED] office is next to his.

Chief Shackelford states that he told Director Williams that he had spoken to Mr. Ballinger, copied President DeMonaco, and suggested that the District provide Director Williams with the letter explaining why his actions were problematic. He states that Director Williams “again asked in a demanding way, he stated, ‘This is about fucking copies who told Ballinger to send the fucking letter?’” He explains that he then told Director Williams that President DeMonaco wanted the letter to come from Mr. Ballinger, although he later learned that this was incorrect. Director Williams then said to schedule a meeting with President DeMonaco as soon as possible. He notes that Director Williams said that if the meeting did not happen, then Director Williams planned to address the issue at a Board meeting coming up in the next few days. He states that Director Williams added that “it wouldn’t look good for the District if he was forced to bring this up at the meeting.” He explains that he understood this “to mean that if the meeting with DeMonaco didn’t happen prior to the board meeting, he was going to make a scene during the open session portion of the meeting.” He suggested to Director Williams that he [Williams] should contact President DeMonaco to make the request. He states that Director Williams said he would not call President DeMonaco, and instead, Director Williams told Chief Shackelford to set up the meeting. He then scheduled a meeting for the three of them to take place on January 8, 2019.

Chief Shackelford states that he set a January 8 meeting for himself, Director Williams, and President DeMonaco, to take place in the Board Business Office at the District. He explains that the office door was closed during the meeting, which lasted about ten minutes. He describes how the meeting started off fairly cordially with the three of them sitting around a small round table. Director DeMonaco asked Director Williams about his concerns. Director Williams discussed the letter he had received from Mr. Ballinger. He notes that Director Williams said that Mr. Ballinger’s letter about his request for photocopies was “absurd.” Chief Shackelford explained that he had checked with [REDACTED], [REDACTED], on whether [REDACTED] had requested the copies from Director Williams as part of the District’s official business. Fire Chief Shackelford states that he, personally, had spoken with [REDACTED]. According to Chief Shackelford, [REDACTED] described how he had met with Director Williams in preparation for a Board workshop,

and Director Williams had spoken about his history with the District and his retirement dispute. He states that ██████ told him that Director Williams had asked ██████ if he was interested in “legal things.” As a ██████, ██████ said “yes,” so Director Williams offered to get ██████ a copy of his retirement paperwork. He notes that ██████ summarized his discussion with Director Williams in an email, and he provided a copy to this investigator.

Chief Shackelford states that Director Williams argued to him and President DeMonaco that his request to ██████ was only for a few pages of photocopies, and because ██████ had “asked” to see them, Director Williams considered ██████ request to be official District business. He notes that he reminded Director Williams that during orientation as a new Board Member in December 2018, Mr. Ballinger had informed Director Williams that he could not discuss his retirement dispute in his capacity as a Board Member. He states that President DeMonaco then spoke up and told Director Williams that Board Members are forbidden from using District resources for personal use, period, even if it only costs a few pennies. He explains that at this point, “Director Williams’ demeanor changed dramatically. He got red in the face, began getting very loud and aggressive, finger-pointing, much like I witnessed at the previous meeting. This time it's directed at DeMonaco.” So, going back and forth at that point, Director Williams was “getting very loud, repeating the same thing over and over. DeMonaco was very calm and Williams became even more agitated and argumentative on that, and then brought up other historical issues related to his role as an employee here and former Board member. So, going way back in history, you know, to '05 when he was on the Board, and then prior to that, essentially, how he was wronged as an employee here.”

Chief Shackelford states that the discussion continued back and forth between President DeMonaco and Director Williams. Then, President DeMonaco said words to the effect of, “We need to agree to disagree on the issue of the copies and move on with the conversation.” He notes that Director Williams then pushed back his chair from the table, “and that's the part that actually scared me. He moved really quickly, and at that point, I would say he was irate, in terms of his body language, face was very red, got even louder, stood up quickly, and it scared me to the point where I pushed my chair back from the table. I was in the corner and didn't feel like I was in a very good position if things got physical, but it did frighten me.” He notes that he did not stand up, but he pushed back his own chair, in case he needed to. He notes that Director Williams then walked to the refrigerator in the room and grabbed a bottle of water, came back to the table, opened the bottle, was drinking from it, and “and at that point was standing over DeMonaco and again was very aggressive, argumentative, and pointing at him from a standing position while DeMonaco was still seated.” He explains that President DeMonaco listened for about two more minutes, and then raised his voice a little bit, and said, “Do you have anything new to discuss, or do you just want to continue to argue with me?” He explains that Director Williams “continued speaking loudly, standing over us, both of us, while we were seated. And then DeMonaco finally said, ‘the meeting's over. I'm done trying to talk

to you. You don't seem to want to listen to anything I have to say,' and at that point, DeMonaco and I stood up. Williams continued to yell about things that had already been discussed." He states that Director Williams eventually stated, "I will be bringing all this up in open session at the Board meeting," and walked out of the room. He explains that [REDACTED] and [REDACTED] both told him after the meeting that they were concerned because it was so loud, and they had overheard what they knew was not a casual conversation.

Chief Shackelford states that he typically meets with each Board Member on a monthly basis, and on February 11, 2019, he met with Director Williams for lunch at BJ's Restaurant in Chino Hills. He explains that he brought [REDACTED] and [REDACTED] with him because he expected the meeting to be "very uncomfortable," and he did not feel comfortable going to lunch alone with Director Williams. He explains that prior to the lunch he had advised all of the Board Members, including Director Williams, that a Firefighter had been arrested. He wanted to inform the Board, prior to any media report, that a serious personnel matter was in the works, but he did not identify the Firefighter in the email.

Chief Shackelford explains that he had an agenda for his meeting with Director Williams, and the second item was "personnel issue." He states that Director Williams asked who the Firefighter was and what had occurred, but Chief Shackelford replied that it was inappropriate for him to share that information because it was an ongoing personnel matter, and the Firefighter does not work directly for the Board. He notes that Director Williams said that since a Firefighter had been arrested, the Board needed to know the details. Chief Shackelford then told Director Williams the process would be handled by the Human Resources Department, in consultation with General Counsel. Director Williams stopped asking questions after about two or three times of him asking for some level of detail. He explains that Director Williams said that without naming the name of the person, he would like to know what the arrest was for, but Chief Shackelford declined to say.

Chief Shackelford states that while at this lunch meeting, he spoke to Director Williams about multiple personnel who were out on workers' compensation leave. He advised Director Williams that the District would have to expend funds on overtime pay to cover for the employees on workers' compensation leave, including some with injuries requiring surgery. He explains that he had this same conversation with the other Board Members to let them know the fiscal impact and that a request for more overtime funds would need to be addressed with the Board. He states that Director Williams then asked which Firefighters were off duty and how each of them were injured, but Chief Shackelford told him that he could not share specifics, but that some of them had serious work-related injuries. He notes that Director Williams told the three others at the table about Director Williams' own experience with his workers' compensation at the District. Director Williams said that he had a back injury and that his doctor had kept giving him prescriptions of

Vicodin, but that he had taken a couple doses of it and did not like it, so he still had quite a bit of Vicodin left at home. He believes that based on Director Williams' retirement date, and his past injury, that his Vicodin pills may have been 15 or 16 years old. He states, "He actually stated to the three of us, so myself, [REDACTED], and [REDACTED], 'Do you know anyone who would want to buy my Vicodin? It's old, but it probably still works.'"

Chief Shackelford states that he did not know if Director Williams was joking or serious when he asked about the Vicodin pills. So, Chief Shackelford kept talking and attempted to brush off the Vicodin comment, hoping that the topic would die, and he would not have to address it. He states that Director Williams then asked again if the Chief and [REDACTED] knew anybody who would want the Vicodin. [REDACTED] made a comment about the medication being too old. [REDACTED] spoke about the pharmacology and the age of the medication as well, in an effort, Chief Shackelford believes, to keep the topic light and move on. He states, "It was really strange, and at that time, I felt like he was actually asking us if we knew anyone who was interested in buying his Vicodin." He explains that he brought up this issue in an open session of the Board, on March 13, 2019, and then Director Williams stood up and yelled that Chief Shackelford was a "liar." He notes that a subsequent Board Meeting (the date of the meeting he did not recall during his interview) Director Williams admitted that he had made a comment about Vicodin, but Director Williams contended that he had been joking about the Vicodin.

Chief Shackelford states that as the lunch meeting was wrapping up, he asked Director Williams if he had any questions. Director Williams said he wanted to speak to the Chief, so [REDACTED] and [REDACTED] left to wait in the truck. He and Director Williams remained seated in the booth at BJ's Restaurant. He notes that Director Williams then asked what was going to happen at the February 13, 2019 Board meeting regarding a February 4, 2019 letter that Director Williams had sent to the Board Vice President. He notes that he reminded Director Williams that the February 4, 2019 letter had been placed on the Board agenda at Director Williams' request. He explained that the topic was set for an open and a closed session discussion, but that Director Williams would not be able to give input in the closed session. He explains that Director Williams then became agitated, with a change in facial expression, and said, "This has gotten out of hand about the fucking copies. I was hoping that DeMonaco would diffuse this whole thing, but he didn't, and I'm mighty pissed off about it." He notes that Director Williams continued, "I want you to think about this. I think you do a pretty good job as Chief, and you and I get along. You need to go into closed session, tell the Board that you mishandled this whole thing, that it got out of hand, and it should have never gotten to this point. Tell them you apologized to me. During open session, you could apologize to me publicly, and you need to make it sincere. Then have Ballinger write me a letter of apology, and this whole thing's over." He notes that Director Williams then paused and said, "What do you think about that? You can diffuse this whole thing and make it go away." He explains that he did not respond, and when Director Williams questioned him, he replied, "Due to the threat of

litigation” that he was not going to comment, because Director Williams had threatened litigation. He states that Director Williams then said, “Guess we will know on Wednesday night. On Wednesday night, I will know what you decided, and I will know how things are going to go for you after that.” He explains that he took this as a suggestion that the matter could affect his employment. He notes that as he and Director Williams shook hands and began to stand up, Director Williams said, “You know, I think you really screwed this whole thing up. You should have told [REDACTED] to make the fucking copies. You can fix this. It’s up to you.”

Chief Shackelford states that the lunch then ended, so he went back to the truck, and he told [REDACTED] and [REDACTED] something along the lines of, “He [Director Williams] just threatened my job,” and they were shocked. He notes that when he returned to his office, he started typing up notes about what had occurred at the lunch, and he may have finished his notes at a later date. He explains that he never did what Director Williams had told him to do. He did not tell the Board that he had mishandled the situation. He did not apologize to Director Williams in open session. He did not direct Mr. Ballinger to write a letter of apology.

Chief Shackelford states that Director Williams has made things very difficult in terms of being unresponsive to emails and not following directions from the Board in terms of the censures and restrictions placed on Director Williams. He believes that Director Williams has taken actions following the February 13, 2019 Board meeting in an attempt to have Chief Shackelford fired, such as, Director Williams’ son, Kyle Williams, addressed the Board in an April 10, 2019 Board meeting, wherein he alleged that Chief Shackelford should be removed from his position and had become a Firefighter for the District in an unfair process involving Chief Shackelford’s [REDACTED].

Chief Shackelford states that Director Williams has said in open session of Board meetings that Chief Shackelford is a “liar,” which he believes damages his credibility with personnel and the public. He notes that at a meeting on March 13, 2019, Director Williams called Chief Shackelford a liar during an open session, and then, on or around March 14, 2019, at a public “Salute to Public Safety” event, Director Williams approached him, put his hand on his shoulder, and pressed down for a prolonged amount of time. Chief Shackelford found this physical act to be demeaning. He explains that due to the public setting, he did not say anything about it to Director William at the time, but at a subsequent Board meeting, he told Director Williams not to touch him again.

Chief Shackelford states that at the Board Meeting on March 13, 2019, he read his prepared statement about Director Williams’ statements during the February 11, 2019 luncheon at BJ’s Restaurant. Then, Director Williams publicly called Chief Shackelford a liar or words to the effect of, “It’s all lies.” He notes that when the Board approved the scope of investigation in this pending investigation, Director Williams read a statement in



May 2019 saying that he was concerned about Chief Shackelford's ability to lead the District through a significant incident if Chief Shackelford is so "afraid" of Director Williams.

Chief Shackelford states that he attended the Board meeting on or around February 13, 2019, but he did not hear Director Williams say anything to [REDACTED]. He notes that [REDACTED] told either the Human Resources Director or [REDACTED] that Director Williams was at the Chino Valley Training Center, prior to a Board meeting (when she was recognized as Employee of the Year), and Director Williams had a verbal confrontation with news [REDACTED]. He notes that he did not hear what Director Williams said to [REDACTED], but he was inside the stadium-sized room. He saw Director Williams appear agitated and speaking to [REDACTED], from the Chino Champion newspaper. They were near the front of the room. He also saw [REDACTED] and her relatives, some of who were children, moving away from Director Williams.

Chief Shackelford states that he learned later that [REDACTED] had reported that Director Williams has said words to the effect of, "I can't believe you fucking called me a disgruntled employee." He notes that [REDACTED] had reported on Director Williams' past lawsuits with the District. He adds that after the scope of this investigation was made public as part of a Board meeting, [REDACTED] approached him and said he did not recall Director Williams making the alleged comment to him, but that [REDACTED] would not be surprised if Director Williams had done so.

Chief Shackelford states that he helped set up an April 17, 2019 meeting between [REDACTED] and Director Williams, related to Director Williams' District iPad. He explains that the meeting was set for 1:30 p.m., but Director Williams arrived early and approached a temporary reception counter that was set up in the kitchen due to ongoing District construction. He notes that he and [REDACTED] learned that Director Williams was present. Chief Shackelford walked with [REDACTED] toward the counter, but they stopped at a table located behind a row of temporary cubicles and outside of Director Williams' view. He explains that he thought it best if [REDACTED] had the brief exchange about the iPad setup and passwords with Director Williams at the counter, to avoid interactions between other staff and Director Williams. Chief Shackelford overheard Director Williams and [REDACTED] talking. He notes that he heard Director Williams accuse [REDACTED] of being late, yet the appointment was set for 1:30 p.m. and [REDACTED] was not late. He explains that Director Williams brought his wife with him, and after a few minutes, Director Williams asked why the meeting was taking place at the front counter. [REDACTED] gave a vague response, and then Director Williams said to stop with the iPad setup and go find out why the meeting was taking place at the front counter.

Chief Shackelford states that [REDACTED] then came over to him behind the cubicle, and the two of them stepped out of the room. Chief Shackelford and [REDACTED] went back

to the counter to address the situation, and as they were approaching, Director Williams said something to the effect of, "You're being recorded." He explains that [REDACTED] replied, "I wasn't aware of that," and "so, we suspected that he had been recording the conversation prior to that." He explains that a digital recorder was sitting on the counter and Director Williams pointed to it. He notes that Director Williams has subsequently referred to this audio-recording at a Board meeting, possibly in May 2019, when Director Williams stated that [REDACTED] had asked Director Williams to call him directly, and that Director Williams had a recording of this request. He states that this came up after Director Williams called [REDACTED] and left a voicemail. Chief Shackelford then responded to the voicemail via an email message.

### Statement

[REDACTED] was hired by the District as a Firefighter in August 1991. In 1995, he was promoted to Engineer. In 2002, he was promoted to Captain. In 2011, he was promoted to Battalion Chief, and, in 2013, he was promoted to [REDACTED]. He ended his employment with the District on June 7, 2019. He states that he met Chief Tim Shackelford three to four months after he was hired in 1991. He adds that he and Chief Shackelford were on probation together. He notes that he worked with Chief Shackelford several times, although never as a supervisor and subordinate. He explains that he and Chief Shackelford worked together as an Engineer and a Firefighter Paramedic, respectively, on an engine for maybe two different years at most. He states that he and his wife are personal friends with Chief Shackelford and Chief Shackelford's [REDACTED].

[REDACTED] states that he met Director Williams back in 1997. He explains that he was assigned as an Engineer to work under, then-Captain Williams for one year. He notes that after that one year, he worked off and on with Director Williams. He adds that he was promoted to replace Williams as a Captain when Williams left his employment with the District back in 2002. He states that he had a working and cordial relationship with then-Captain Williams. He notes that Williams has "a different personality," and it takes effort to get along and work with him.

[REDACTED] states that around February 11, 2019, he met with Director Williams, Chief Shackelford, and [REDACTED] for lunch at BJ's Restaurant. He took notes about the interaction because it was "a little odd." He states that Chief Shackelford asked him and [REDACTED] to attend the lunch because Chief Shackelford wanted to get Director Williams up to speed on each of their positions and areas of responsibility. He notes that Director Williams was new to the Board. He states that he rode to BJ's Restaurant from the District's administrative offices with Chief Shackelford and [REDACTED]. He notes that Director Williams was already seated at a table when they came into the restaurant. He adds that they sat in a half-circle booth. He explains that he and [REDACTED] got "into the meat" of filling Director Williams

in on their respective duties and areas of responsibility, as well as prevalent things going on in their areas of responsibility.

██████████ states that an employee was out on leave due to disciplinary issues, and another employee was out on workers' compensation issues. Director Williams pressed Chief Shackelford on the details of both cases. He notes that Chief Shackelford kept saying that the cases were confidential and that the Board was not privy to the details of the workers' compensation or disciplinary issues. He explains that Director Williams pressed Chief Shackelford and said, "I'm the Director here. I should know everything that's going on here." He notes that Chief Shackelford kept referring back to the confidentiality of the details and that the case outcomes would be discussed with the Board. Director Williams did not seem satisfied with Chief Shackelford's answers.

██████████ states that Director Williams then stated that he was given "bottles and bottles" of Vicodin when was off duty for a workers' compensation issue. He thinks that Director Williams had a back injury. He adds that Director Williams said he had stockpiled the Vicodin instead of using it. He states that Director Williams said, "If you ever know of anybody that needs or wants Vicodin, send them my direction." He explains that he thought this was very odd and did not seem like a joke. He adds that the conversation came to a halt and then the rest of the group steered the conversation into another direction. He states that Director Williams brought up the Vicodin again about 15 minutes later, at the end of lunch, before everyone departed. He adds that Director Williams again stated to send anyone who needed Vicodin his way. He states that either he, ██████████, or Chief Shackelford paid for the lunch with a District credit card.

██████████ states that Director Williams wanted to continue talking to Chief Shackelford alone after lunch. He notes that Director Williams said to Chief Shackelford, "I have some issues I want to talk to you about." He adds that he then waited for Chief Shackelford inside the vehicle with ██████████. He states that the conversation between Chief Shackelford and Director Williams was about five minutes, but he had expected it would be longer. When Chief Shackelford came back to the vehicle, Chief Shackelford said that Director Williams had asked him to "fall on the sword" regarding an issue related to Director Williams requesting ██████████ to make two photocopies. He states that Chief Shackelford said Director Williams gave him directions to tell the rest of the Board that it was Chief Shackelford's fault, that Chief Shackelford had blown the issue out of proportion, and for Chief Shackelford to apologize to Director Williams in front of the entire Board. He adds that Chief Shackelford said he told Director Williams at that point that their conversation was over.

██████████ states that Chief Shackelford told him and ██████████ that Director Williams said something like, "I thought you were a good Chief. I could make this difficult for you." He notes that what Director Williams said to Chief Shackelford sounded like an implied threat and if Chief Shackelford did not follow through,

or conform, to the wishes of Director Williams, then Director Williams would cause problems for the Chief. He adds that Director Williams has been very aggressive toward Chief Shackelford. He adds that Director Williams' aggression toward Chief Shackelford has been exhibited at several Board meetings: Director Williams threw a pen and papers at Chief Shackelford, challenged Chief Shackelford, and called Chief Shackelford a "liar." He explains that Director Williams left in the middle of a Board meeting at the Training Center and threw some kind of reimbursement papers at Chief Shackelford. Director Williams said he had to leave the Board meeting to go to dinner. He explains that Director Williams had to walk between all the Board Members to throw the papers at Chief Shackelford. Between three and six 8½ x 11 size papers came apart after they were thrown. He notes that Director Williams does not exhibit aggression toward any of the [REDACTED]. He adds that Board President John DeMonaco made a statement for the record saying, "Let it be noted that Director Williams is leaving the meeting prior to adjournment." He does not know if President DeMonaco said anything on the record regarding how Director Williams delivered the papers to Chief Shackelford. He adds that the Board meeting continued after Director Williams left.

#### Statement

[REDACTED] was hired as a Firefighter Paramedic by the District in September 1990. He held this position until 2003. From 2003 to 2005, he was an Engineer. In either 2005 or 2006, he became a Captain. In 2013, he became a Battalion Chief, which position he held for almost four years. He is now the [REDACTED] training. When he was hired as a Firefighter Paramedic in 1990, Director Williams worked for Chino Valley Fire as a Captain. He never actually worked on Williams' crew unless he was working an overtime shift with then-Captain Williams. He would have been the Paramedic during these overtime shifts with Williams' crew. He states that he and then-Captain Williams "got along okay." Williams would ask him personal questions about his family, including about his children, his wife, how long he had been married, and about his relationship. He notes that then-Captain Williams would get into things that, in his opinion, one would not normally ask of someone whom just met or did not know well.

[REDACTED] states that he has known Chief Shackelford for 28 years and his relationship with Chief Shackelford is very good. He notes that Chief Shackelford promoted above him and is younger than him. He worked for Chief Shackelford for one year when he was a brand-new Engineer and Chief Shackelford was a brand-new Captain. He got to know Chief Shackelford "pretty well" during that year, as well as when they worked overtime shifts together on the paramedic squad.

[REDACTED] states that he, [REDACTED], Director Williams, and Chief Shackelford went to lunch together at BJ's Restaurant when Director Williams was fairly new to the Board, around February 11, 2019, in what he expected to be a "fairly low-key" meal. He adds that he drove with [REDACTED] and Chief Shackelford

and they met with Director Williams inside where Director Williams was already waiting for them. He explains that he later wrote notes for himself following lunch at BJ's "because of the way some of the things were stated." He explains that the lunch started fairly well with some small talk. He notes that when the menu came, Director Williams said something like, "Yeah, I don't need to look at the menu. I had ... my wife, look at the menu. I don't normally eat at such highfalutin places as this. I looked and saw there's like a \$25 steak. I'm going to get that." He states that he thought it was odd that Director Williams' "most important thing" was to find the most expensive item on the menu because Director Williams was not paying for the meal.

██████████ states that Director Williams began to ask Chief Shackelford about specific, particular personnel issues that Chief Shackelford had briefed the Board on, but he had kept vague. He explains that Director Williams had asked for specifics on the personnel issues, related to an injury and workers' compensation claim. He explains that Chief Shackelford told Director Williams, "You know I can't talk to you about personnel issues. I can brief the Board, but I can't get into specifics. That's a personnel issue. It's not for me to tell you these things." He adds that Director Williams wanted to know the name of the person who was injured, a description of the injury, and a description of how the injury happened.

██████████ states that Director Williams also wanted to know about a second individual who was off of work and under investigation. He explains that Director Williams wanted to specifically know what caused this person to be off work, the specifics of the charges against the employee, and what kind of investigation was occurring. Director Williams wanted a lot of specifics and Chief Shackelford told him, "I can't tell you those things. As a Board Member, you're not entitled to know those things." He states that Director Williams seemed kind of put off by this statement, and Director Williams replied, "As a Board Member, I'm your boss. I should be able to know these things. How come I can't know these things?" Chief Shackelford replied, "As a Board Member, you set policy. But when it comes to personnel issues, that's up to the staff in Human Resources to deal with those, and you're not allowed to know these things. It's not a part of your privy as a Board Member." He believes that Chief Shackelford told Director Williams that privacy and Health Insurance Portability and Accountability Act issues were involved.

██████████ states that Director Williams mentioned in passing that he had been off work on a back injury and had been prescribed Vicodin. He explains that Director Williams stated, "I took it one time, and I didn't like how it made me feel. And I had all these bottles of Vicodin, and I'd be interested in selling it if you know of anyone that would be interested in having this stuff." He adds that Director Williams did not laugh after saying this, so ██████████ did not take it as a joke. The rest of the group looked at one another stunned, no one responded, and it seemed awkward, so they just moved on with the conversation. However, Director Williams brought up his Vicodin again, and mentioned that if they knew anybody that could use some Vicodin, Director Williams

would “really be interested in selling it.” He adds that Chief Shackelford replied, “That’s really inappropriate. You can’t sell medication. It’s a narcotic.” He notes that Director Williams, again, did not state that he was joking, so the group moved on with the conversation.

██████████ states that Director Williams asked to meet with Chief Shackelford alone at the end of lunch. He adds that he and ██████████ waited by the vehicle for Chief Shackelford for three or four minutes. He notes that when Chief Shackelford came out to the vehicle, Chief Shackelford said that Director Williams let him know that he did not appreciate how Chief Shackelford had handled some things, that Chief Shackelford could make the whole thing with the two photocopies go away if Chief Shackelford just told people, “Make it go away,” and that he felt like Chief Shackelford had “ramped this thing up.” He adds that Chief Shackelford said that Director Williams threw out a veiled threat about Chief Shackelford’s job. Chief Shackelford also said that he did not sincerely want to shake Director Williams hand at the end of their talk, but Chief Shackelford shook Director Williams’ hand anyway. He explains that Director Williams pulled Chief Shackelford forward, toward him, while shaking Chief Shackelford’s hand, would not let go, and made a statement about being the boss of Chief Shackelford.

██████████ states that several Board meetings with Director Williams have been uncomfortable. He adds that Director Williams called Chief Shackelford a “liar” in public. He notes that Director Williams’ demeanor was uncomfortable during closed sessions. He explains that during an open session following the February lunch at BJ’s Restaurant, Director Williams referenced the lunch and his comment about selling Vicodin as being a “joke.” He adds that Director Williams pointed to him and ██████████ in this Board Meeting and said, “How dare you guys! You were there, and you knew I wasn’t serious.” He states that Director Williams also added that his wife had flushed the Vicodin pills down the toilet years ago, so it “had to be a joke” because he did not even have the pills anymore.

██████████ states that Director Williams has come into the Administration office while the receptionist for Community Risk Reduction was in the kitchen. He adds that Community Risk Reduction was operating partially out of the kitchen. He states that when Director Williams came in, Director Williams was still under parameters with the Board to make appointments with the Fire Chief and not show up unannounced. He explains that he received a call to talk to Director Williams and see what he needed when Director Williams showed up unannounced. He let Director Williams know that Chief Shackelford was out of town. Director Williams then said, “I have this paperwork for mileage reimbursement I have been trying to turn in.” He told Director Williams, “I’d be happy to take that from you and turn it into ██████████.” He notes that Director Williams replied, “No, I will be hand-delivering this myself.” He explains that without an appointment or second witness, Director Williams was not allowed to be talking to ██████████.

██████████ states that Director Williams wrote a note to ██████████ saying that he had the paperwork he had been trying to give to her and asked her to please call him. He adds that ██████████ cannot call Director Williams because it is against Board direction; and Director Williams would need an appointment. He notes that he told Chief Shackelford about this interaction with Director Williams.

██████████ adds that Director Williams will glare at people during open-session Board meetings. He notes that Director Williams once tossed a paper at Chief Shackelford during a “heated” open-session Board meeting held at the Training Center. He explains that Director Williams stood up during the open-session Board meeting and stated that he had a dinner he needed to get to. He adds that as Director Williams was walking out, Director Williams slapped down a folder in front of Chief Shackelford and said, “Here’s the paperwork,” and he walked out of the building. He notes that this occurred when Director Williams was being censured for a second time. He notes that the folder was like a “Pee Chee folder,” and the papers did not go flying. He explains that anybody who would have seen this act would have described it as aggressive and demonstrably angry.

██████████ states that Director Williams has been using his son, Kyle Williams, to ask for public information requests under the Brown Act as part of looking for documents. He adds that during the public comment portion of the meeting, Kyle Williams read a prepared statement accusing Chief Shackelford of several things. He notes that this was followed by a lengthy Public Records Act request that required a lot of staff time to complete. He explains that Director Williams would have one or two items in the documents that Director Williams saw as “potential smoking guns,” and he would then bring forward accusations in open-session Board meetings. He states that Director Williams has a pattern of looking for misconduct and not finding it. He adds that Board Members have appeared frustrated that Director Williams brings up grievances that happened ten to twelve years ago.

### **John DeMonaco Statement**

John DeMonaco was elected to the Board of Directors for the District in November 2006. He is currently the President of the Board of Directors, a position he has held since December 2018. He has known Director Williams prior to Director Williams joining the Board, but he has interacted with him more since November 2018, when Director Williams was elected. He states that he received an email from Fire Chief Shackelford letting him know that Director Williams wanted to meet. He believes it was regarding a letter Director Williams had received from the District’s attorney, Jeff Ballinger. He explains that Director Williams received a letter from Mr. Ballinger concerning Director Williams asking the ██████████ ██████████, to make photocopies. He notes that he set the meeting in the Boardroom for the morning of January 8, 2019.

President DeMonaco states that on January 8, 2019, Director Williams came to the meeting and immediately demanded that President DeMonaco and Chief Shackelford make Mr. Ballinger and [REDACTED] write him a letter of apology. He explains that he would not make anyone apologize to anybody. He notes that Director Williams then questioned him as to whether he made Mr. Ballinger write the letter, and Director Williams said that President DeMonaco was violating Board policy. He notes that Director Williams was “coming up with all these allegations,” for example, that by asking Mr. Ballinger to write the letter, President DeMonaco had violated a Board policy. He states that this is not any violation of policy because the Board President has the authority to confer with the Fire District’s General Counsel, Mr. Ballinger.

President DeMonaco states that he did not direct Mr. Ballinger to write the letter to Director Williams. He and Chief Shackelford listened to Director Williams, and President DeMonaco then told Director Williams that he had *not* directed Mr. Ballinger to write the letter to Director Williams. He explains that Director Williams “started getting angry” within the first five minutes, so President DeMonaco said that the meeting was going nowhere after Director Williams became loud, accusatory, and pointed his finger at President DeMonaco. President DeMonaco then said, “As far as I’m concerned, this meeting is over.” He states that he knew that nothing he could say or do would make Director Williams happy, so he attempted to end the meeting. He notes that after he said this, Director Williams “jumped up,” started screaming, and was pointing his finger at President DeMonaco and Chief Shackelford as he walked over toward them. He describes Director Williams as being “verbally violent,” and President DeMonaco then felt physically threatened. He notes that Director Williams had an angry face. He estimates that Director Williams was standing about four feet away from him, and when Director Williams stood up, President DeMonaco moved back in his seat, and Chief Shackelford stood up. He states that Director Williams then walked away to get a water from the refrigerator, but he was concerned that Director Williams was approaching him. He notes that the meeting ended shortly after this because Director Williams left the room. He describes the entire meeting as less than ten minutes, but the screaming behavior lasted less than a minute.

President DeMonaco states that he and Chief Shackelford remaining sitting in the Board Business Office in disbelief, and they were both concerned about Director Williams’ behavior. He states that Director Williams used to come to Board meetings in the past to give public comments over the past 13 years and Director Williams would berate the sitting Board Members over those years. He describes Director Williams as “hollering” in the past, and appeared “really angry” when making statements to the Board in the past, prior to Director Williams’ election. He explains that since November 2018, Director Williams has ranted and screamed in two Board meetings, including once when he held up two pieces of paper, and yelled, “It was only two pages,” in reference to his request for photocopies.



P explains that in a Special Meeting on May 30, 2019, when this pending investigation was discussed, Director Williams stood up and announced that he had a dinner appointment, took a folder with paperwork, “threw it” at Chief Shackelford, and walked out of the Board meeting. He states that Director Williams called Chief Shackelford a liar at this meeting. He finds it “appalling” that Director Williams left the meeting because he found out that Director Williams left to attend a public function that night and won a door prize. He explains that each Director receives \$157.50 per Board meeting attended and is supposed to stay for the whole meeting.

President DeMonaco states that he was not present on December 18, 2018, when Director Williams asked [REDACTED] to make photocopies of two pieces of paper, and [REDACTED] did not discuss her encounter with Director Williams.

President DeMonaco states that Chief Shackelford told him about a lunch he had with Director Williams, [REDACTED] and [REDACTED] at BJ’s Restaurant. He notes that Chief Shackelford said that Director Williams asked if anyone knew someone who wanted to buy Director Williams’ unused Vicodin. He states that Chief Shackelford told him that Director Williams asked to speak to him privately at the lunch and told the Chief, “If you go back and tell them that this is all your fault, and you take full responsibility... then we can get along. Otherwise, this isn’t going to end well.” He explains that he does not recall the exact phrase. He never spoke to [REDACTED] or [REDACTED] about what they heard at the lunch meeting.

President DeMonaco states that he heard later that after a Board Meeting or during a break in a Board Meeting, that Director Williams used profanity when speaking loudly to a news reporter, possibly on February 13, 2019, at the Training Center. He notes that he did not hear that discussion personally. He has heard from Chief Shackelford that Director Williams audio-recorded [REDACTED] without prior consent.

President DeMonaco states that he believes Chief Shackelford was being accurate when he read a statement to the Board at the March 13, 2019 Board Meeting. He notes, “I do not believe in any meeting that our Fire Chief has ever given us inaccurate information.” He notes that Director Williams became “verbally abusive” toward the Chief, called the Chief a “liar,” and Director Williams may have stood up and pointed his finger at the Chief.

**[REDACTED] Statement**

[REDACTED] is an [REDACTED]. She was hired in November 2013, as a temporary employee, and in May 2015, she became an Office Technician. In November 2015, she promoted to [REDACTED]. She reports to [REDACTED], [REDACTED]. She provides clerical support to Fire Chief Shackelford, as well as the five elected Board officials. President DeMonaco is the head of the five elected Board officials.

██████████ states that working with Director Williams is a “new experience for her” because since she began in her position, she has not had a Board Member who needed so much support. She adds that Director Williams constantly makes requests and takes up a great deal of her time away from her regular duties, which makes her feel overwhelmed. She notes that Director Williams requires far more support and assistance than the other Board Members. She conveys that one of her job responsibilities is to help onboard and adjust new Board Members coming into the District. She states that she does not have any issues or complaints about other Board Members besides Director Williams, and his onboarding has included requests that come across as “a demand that he feels entitled to as if he’s my direct supervisor.”

██████████ states, “There’s been times where Director Williams has come into my office where Board Members are not allowed to come in,” as written in District policy. She adds that if Director Williams needed the meeting room, he can “fob himself in or fob himself out.” She notes that whenever Director Williams made requests, he was impatient; he would not give her enough time to respond via call or email. She conveys that he would come into the office saying, “Hey, why aren’t you answering my calls?” and her response was always the same, either she sent an email responding to his request or she was in a meeting and had not yet had the time to respond. She states that she wrote an email in February 2019, expressing her feelings that Director Williams “was crossing the line and he was a little intense.” She explains, “Never have I had a Board Member ever do that before or confront me about not giving them a quick responsive call back.”

██████████ states that in February 2019, an incident occurred when she was outside the office for her pregnancy appointment when Director Williams called and she was not able to pick up her telephone. She adds that he called her while she was in the waiting room for her doctor’s appointment, so she emailed him back stating, “I’m out of the office. I’ll get back to you as soon as I can.” She notes that Director Williams was not aware that she was having a pregnancy appointment. She states that when she was finished with her doctor’s appointment, she went back to her office, sat in her chair, and then only five minutes passed by when Director Williams came to her office. She conveys that the incident occurred in her office doorway and they were about “four feet apart from each another.” She explains that when Director Williams first came in, she extended a greeting saying, “Good morning,” but he disregarded her greeting and said, “I called you. You didn’t answer,” accusing her of not giving him an immediate call back. She adds that Director Williams made her feel uncomfortable because he demanded an “immediate call back.”

██████████ states that Director Williams was visibly upset and red in the face. He reprimanded and intimidated her by pointing his finger at her while yelling. She adds that Director Williams yelled at her, “I called you! Why didn’t you answer?” She states that she felt as if he was the adult and she was the child. She notes that the nature of Director Williams’ telephone call was to “request assistance logging into a computer.” She conveys

that she reported this incident by sending an email to Chief Shackelford. She wrote that Director Williams made her feel uncomfortable because he was pointing his finger at her, was red in the face, and he was leaning forward intimidatingly while she was seated and he was standing.

██████████ states that after Director Williams told her he needed help logging into a computer, she told him, "Go ahead, step into the Board Business Office, and start logging in. Once you're finding it difficult to log in, come grab me, and I'll help you." She adds that ██████████ then came into her office and asked, "Did he say he was coming in?" She notes that she told ██████████, "I was away at an appointment when I saw that he called me and left a voicemail on my cellphone. I emailed him saying that I was out of the office, so my meeting to help him log into the computer was cancelled. I did not expect him to come into the office." She conveys that she told ██████████ that Director Williams called her a second time and left a voicemail message saying, "I'm calling you. You didn't call me back, so I'm just coming into the office and getting information direct." She explains that she thought Director Williams' usage of the word "direct" in his voicemail meant that she was not responsive to his telephone calls.

██████████ states that when she emailed Chief Shackelford, she wrote, "In the past and with previous Board Members, I always strive to call them back quickly, especially when they're asking for information, but the timing Director Williams requires makes me feel uncomfortable." She adds that she does not want the Fire Chief to think that she is not following her "normal duties and procedures." She states that Director Williams stands an inch or two taller than her, but when she is sitting down, and he is standing up pointing his finger at her, it makes her feel "upset, shocked, and surprised." She explains that while Director Williams was yelling at her, he thinks he noticed the surprised look on her face.

██████████ states that a third incident involving Director Williams occurred when he came in for training on the computer and made her "feel uncomfortable." She adds that Director Williams had "very limited knowledge of knowing how to log in, pull up the Internet, close Internet tabs out, and turn off the computer." She notes that during the training with Director Williams, ██████████ (the ██████████) also was present. She conveys that halfway through the training, Director Williams looked to his left (at her) and asked, "Are you Mexican?" She states that she was shocked at his question since it was an unrelated topic to the training. She responded to his inquiry, "Yes, I am." She explains that she told Director Williams that English was her first language and Spanish was her second language. Director Williams responded, "Oh, because my son married one of those Mexican girls, she had to learn how to speak English, she only spoke Spanish. She's now got a white name as her last name, can you figure that?" She adds that Director Williams' conversation topic about ethnicity was very uncomfortable for both her and ██████████.

██████████ states that due to the “odd” nature of the conversation she quickly maneuvered back to the training saying, “Okay, well let’s go ahead and go back to the training.” She adds that since ██████████ thought Director Williams’ conversational topic was puzzling, odd, and inappropriate as well. She proceeded to email ██████████ about the situation. She notes that ██████████ emailed her back stating, “You may want to go ahead and write that down. That doesn’t seem like that’s a typical comment or conversation a Board Member should have or interaction with a staff member, especially since it’s having to do with your race.” She conveys that ██████████ went further on to write, “I know it’s a little bit personal. You didn’t have to answer the question.” She states that ██████████ sent an email to President DeMonaco and the Fire Chief stating, “This took place and this is the first time it’s ever occurred. If it should happen again, I’ll let you know.” She explains that Director Williams has not made a comment about her race since then.

██████████ states that Director Williams takes a large amount of time out of her day and hinders her day-to-day duties. She adds that she emailed Chief Shackelford stating that Director Williams’ trainings and requests would take anywhere from “45 minutes to close to two hours” every other day he came into the office. She notes how other Board Members would be more considerate giving her a heads up on the times that they would need to come in for training, so she could plan accordingly. She conveys that Director Williams would not plan or schedule, but rather, he would “drop by randomly and make it difficult for her to complete her day’s work.” She states, “I have to then defer some of my stuff over to staff to help me.”

██████████ states that two additional incidents happened when Director Williams raised his voice in the office. She adds the first time was when Director Williams requested training the following day. She responded to his inquiry by email: “We have a meeting that day and will be unavailable. If you want to schedule a time, let us know.” She notes that he never responded back to her email, but he came in anyway “unplanned, unscheduled, and was on the cellphone with his wife.” She conveys that she was meeting with ██████████ in her office when Director Williams walked in and went into the Board Business Office, hanging up with his wife. She states that after the meeting, she and ██████████ approached Director Williams, inquired of his request, and informed him that “what he wanted required first some information from him.” She explains that Director Williams replied, “I’m going to need to call my wife.” He attempted to call this house, and then his wife’s cellphone, but she wasn’t picking up.

██████████ states that when Director Williams could not get in touch with his wife and needed the information, ██████████ replied, “We can’t help you. You need to get the information from your wife, and then come back and then maybe we will be able to assist you.” She adds that when Director Williams’ wife did not pick up the telephone, he “paced back and forth in the hallway waiting for her call” impatiently. She notes that when Mrs. Williams finally called her husband back, he loudly and angrily asked, “Why didn’t you

answer your phone? I'm calling the house telephone. I'm calling the cellphone. What are you busy doing?" She conveys that Director Williams' range and tone was "inappropriate for an office setting," and he sounded as if "someone was having a disagreement with somebody." She states that he was "yelling, not screaming" when he told his wife, "Because I know you're home, so you should be answering the telephone." She explains that it sounded like he was "accusing somebody of something." Director Williams' next comment to his wife was, "Oh, who's over the house? Who's there with you?" She adds that she was unable to hear his wife on the telephone, but after Mrs. Williams responded to her husband, he started laughing out loud. She notes that Director Williams went from "very upset to laughing and still being loud in the office for an office voice." She explains that [REDACTED] office is next door to the Board Business Office, and "[REDACTED] was doing a webinar that day and had to close her door because it was loud."

[REDACTED] states that the second incident occurred during a meeting between Director Williams and President DeMonaco. She adds that they were in the Board Business Office having a meeting while she and [REDACTED] were having another meeting in [REDACTED] office, next to the Board Business Office, with the door open. She notes that the Board Business Office and [REDACTED] office are adjacent to one another. She conveys that "all of a sudden I just hear a high-pitched, raised tone voice, like someone screaming and yelling, and it was Director Williams." She recognized it was Director Williams who was yelling; however, she "couldn't understand what he was saying at first." She explains that [REDACTED] asked her, "There's yelling going on. Is that Director Williams?" to which she replied, "Yes, I recognize it." [REDACTED] then asked, "Can you hear anybody else?" and she replied, "No."

[REDACTED] states that she and [REDACTED] felt uncomfortable when President DeMonaco, Director Williams, and Chief Shackelford were meeting and Director Williams was yelling. She notes that [REDACTED] felt uncomfortable and said, "You know what? Let me close the door. I just want to close it and be safe." She conveys that she had worked there for five years and [REDACTED] had worked there for twenty years, and they were both shocked at the yelling. She notes that even after they closed the door, they could still hear loud yelling without understanding what was being said. She explains that after their meeting and hearing a door shut, Chief Shackelford came in, knocked on [REDACTED] door, and asked, "Is everything okay? Were you guys able to hear that?"

[REDACTED] states that she replied, "Yes, [REDACTED] closed her door because she felt so uncomfortable. She wasn't sure what was happening in there." She adds that Chief Shackelford replied, "Yeah, it was very uncomfortable" to the point where he kind of prepared himself if he needed to jump up during that meeting. She notes that Chief Shackelford said that in the meeting, "Director Williams had stood up and like lunged at our President during their conversation, losing his cool" while President DeMonaco maintained his cool. She conveys that it made Chief Shackelford "feel uncomfortable where he pushed his chair out, and he said he was ready to grab something if needed."

She states that due to Director Williams “pumping himself up and becoming irate,” Chief Shackelford was unsure if it would result in “some altercation.” She explains that it did not sound like a good meeting.

██████████ states that when ██████████ and she stopped talking to one another, she could pick out some of Director Williams words, such as: “You need to take care of this. You handled it. You need to make her say she’s sorry and apologize to me.” She adds that ██████████, ██████████, passed by the Board Business Office, she also heard the yelling as well, but she “didn’t say anything.” She notes that ██████████ is “considered a confidential employee,” who avoids getting involved in any discussion besides her work duties. She conveys that ██████████ reaction was to hunch over her shoulders and walk swiftly past the office where she was hearing the yelling. She adds that after Director Williams spoke, she heard President DeMonaco respond, “You need to calm down. You need to sit down.” She explains how she is having “flashbacks” imagining Director Williams yelling, angry, and finger pointing at her and someone finally standing up to him.

██████████ states that on the third incident when Director Williams yelled at her, she emailed Chief Shackelford to “give him a heads up.” She adds that she and ██████████ were wrapping up a training seminar hosted by Chief Shackelford in a different location. They had to go back to the office around 6:00 p.m. to grab their things and go home. She conveys that ██████████ “had heard us come into the office and wanted to check to see who it was,” and they replied, “We’re just grabbing our stuff and headed out for the day.” She states that ██████████ got her stuff and asked her, “Hey, do you want me to wait for you?” to which she replied, “No it’s good, it’s good.” She explained to ██████████, “I just need to grab this, grab that, you know, check my computer real quick, log off, and then I’m gonna head out.”

██████████ states that ██████████ replied saying that she was going to be in her car waiting for her to exit the building. She adds that as she exited the building, she saw Director Williams in his car. She notes that as she walked to her car, Director Williams jumped out of his car and yelled, “██████████!” while standing next to his open car door. She conveys that her first reaction was to ignore Director Williams, get into her car, and say she did not hear him. She states that it was impossible to ignore him since he was yelling, especially since their cars were parked only two stalls away from each other. She explains that the second time he yelled, “██████████, I called you,” he pointed his finger, and then she looked over and said, “You did?”

██████████ states that Director Williams responded, “Yeah, I was calling you because I wanted to find out where that meeting is tomorrow.” She replied to Director Williams, “It’s here. It’s here tomorrow. We sent you an email saying, ‘We’ll see you here tomorrow at 8:30.’ See you tomorrow.” She notes that she tried to cut the conversation short because she was feeling “uncomfortable.” She conveys that ██████████ had heard

someone yelling, but her car sits lower and she had her car turned on so she was not able to see or hear who was yelling. She notes that when she got into her car, [REDACTED] looked over from her car and asked, "Hey, was that Director Williams?" She explains to [REDACTED], "Yes, it is, but what catches me off guard is the way he yells. I don't like that." She describes feeling like she is constantly in trouble.

[REDACTED] emailed Chief Shackelford about this incident as well and explained that she had a meeting earlier that day with Director Williams and his wife. She adds that the meeting with Director Williams and his wife involved preparing Director Williams for a meeting the following morning at 8:30 am to "help him log on the computer, so he could participate in the webinar training." She notes that Mrs. Williams came in and observed the information being given to him, regarding the upcoming meeting the following morning. She states that she even provided him with a printout calendar of detailed information regarding the upcoming meeting. She explains that she was not sure if Director Williams wanted "to intimidate, or if he was just oblivious that we had a meeting about that earlier that day."

#### **Statement**

[REDACTED] began working for the City of Chino Hills in 2007, and was contracted with the Fire District to manage their computers. In August 2015, the District hired him as the [REDACTED], which is his current job title. He reports to the [REDACTED]. He recalls being present during a conversation in which Director Williams asked [REDACTED] a question regarding what country she was from. He thought Director Williams' ethnicity question was inappropriate and was uncomfortable, so he tried to tune it out and not engage in Director Williams' conversation with [REDACTED]. He notes that during Director Williams' and [REDACTED] conversation, Director Williams commented, "Oh, my son married a Mexican."

[REDACTED] states on April 17, 2019, he had a scheduled meeting to train Director Williams on how to setup his iPad. He adds that he received a telephone call that Director Williams was waiting for him in the lobby. He notes that he went to the lobby a few minutes prior to the scheduled meeting and Director Williams jumped on him saying, "You're late. Where were you? We're supposed to meet." He responded to Director Williams, "No, I'm good. We had a scheduled meeting." He states that Director Williams asked him, "Why are we meeting here? What's going on? Why can't we go to the Board Business Office?" He explains that it would have been unnecessary to meet Director Williams in the Board Business Office, because Director Williams only needed a quick training on how to setup his iPad.

[REDACTED] states that he started feeling uncomfortable after Director Williams began to challenge him by saying, "No, I want to meet in the Board Business Office." He adds that he walked away to tell Chief Shackelford that Director Williams wanted to meet in the

Board Business Office. He notes that when he approached Director Williams again with Chief Shackelford, Director Williams held up a small digital recorder in his hand. He says that he told Director Williams, "I was unaware that I was being recorded." He conveys that Director Williams said, "Yes, I have been recording this conversation." He explains that Director Williams had not asked for his permission to record their conversation nor did Director Williams say why he was recording everything in the first place. He adds that he and Chief Shackelford did not tell Director Williams to stop recording the conversation.

██████████ states that Director Williams proceeded to ask Chief Shackelford why they could not meet in the Board Business Office and Chief Shackelford answered, "This is not a meeting. It is just a quick setup on your iPad that should take five minutes." He adds that Chief Shackelford walked away, and then Director Williams was trained on his iPad. He notes that Director Williams still continued to record their conversation during the iPad setup.

██████████ states that he had technical difficulties during Director Williams' iPad setup training. For example, he had called ██████████ to confirm a password, "Hey, is this right? What's going on?" He adds that later on during the iPad setup, ██████████ approached him and Director Williams with some instructions and engaged in some conversation with them. He notes that Director Williams did not ever inform ██████████ that he was recording the conversation. He conveys that it is possible that Director Williams' recorder was sitting in plain sight, so ██████████ might have seen the recorder and figured out that she was being recorded. He states that he never gave Director Williams his permission to record their conversation. He explains that he was unaware that he was being recorded until five minutes after Director Williams started recording. He adds that the entire recording is probably at least 30 to 45 minutes, maybe longer.

██████████ **Statement**

██████████ has worked for the District since 2002, when she started part-time and then she was promoted to Permit Technician for Community Risk Reduction. In approximately 2012, she was promoted to ██████████. She now reports to ██████████ (██████████) and ██████████ (██████████). She states that attending Board meetings is not a requirement for her job, although if she does attend Board meetings, then her job is easier because she has a better understanding of what is going on in the District.

██████████ states that on February 13, 2019, she attended a Board meeting that was held at the Training Center, with stadium seating. She notes that some of her family members attended the Board meeting with her because she was being awarded Employee of the Year. She explains that her family members who attended the Board meeting were: her ██████████



██████████. She states that she and her family walked inside the meeting to find seating fifteen minutes prior to the Board meeting starting at 6:00 p.m. She witnessed Director Williams cussing at the Chino Champion news ██████████. She notes that Director Williams was very irritated, beat red in his face, wagging or pointing his finger, and telling ██████████, "I can't believe you fuckin' wrote that I'm a disgruntled employee." She conveys that ██████████ was a news ██████████ from the Chino Champion and was shocked in unbelief at Mr. Williams' foul comment to him. She says that ██████████ did not respond to Mr. Williams' foul comment. She does not recall ever reading ██████████ article reporting that Mr. Williams was a disgruntled employee. After she heard Director Williams' foul language, she told her ██████████, "Go wait outside with the children. I'll grab the seats" because she did not want her young grandchildren to hear the foul language. She thought her ██████████ definitely heard Director Williams cuss at ██████████. She notes that ██████████ was sitting one row in front of where she was standing in the Boardroom, so he might have also heard Director Williams' foul comment. She reported the comment the next day.

██████████ states that sometimes Director Williams displayed very bizarre behavior at previous Board meetings, although she had not heard him cuss in the past. She notes that she saw Director Williams be very loud, aggressive, agitated, red in the face, and pound his fists.

██████████ states that on June 12, 2019, prior to a budget workshop at 4:00 p.m., followed by a Board budget meeting at 6:00 p.m., she went to ██████████ office around 3:30 p.m. to have a discussion with ██████████ before they went to the budget workshop. She notes that as they were getting ready to leave ██████████ office for the budget workshop, they noticed outside of ██████████ office window that Director Williams and his wife were sitting in their car in the parking lot next to ██████████ office. She states that ██████████ speculated that Director Williams was parked in the parking lot, so he could use the District's Wi-Fi. She explains that with one empty parking space between ██████████ car and Director Williams' car, ██████████ said, "I'll wait a few minutes to go out" because ██████████ did not want the chance of interacting with Mr. Williams in the parking lot. She told ██████████, "I'll walk out with you. I don't want you to walk out alone." She notes that as they walked out of the building to ██████████ car, they were shocked when Director Williams loudly and aggressively screamed, "██████████!" She states that ██████████ face was really intense and nervous when Director Williams screamed her name. She states that ██████████ quickly opened her car door to drive away, but then Director Williams rolled down his car window and aggressively said, "██████████! What's the code?" She says that Director Williams was asking about the Wi-Fi password, so she shot back to him the Wi-Fi password saying, "guestwifi, all lowercase." She explains that she wanted to ensure ██████████ drove out of the parking lot safely, so she kept watching until ██████████ drove away.

**██████████ Statement**

██████████ began working for the District as an Administrative Coordinator in March 1998. She became ██████████ about 15 years ago. Her current title is ██████████. She reports to Chief Shackelford. She states that about a week before December 18, 2018, she was talking to Director Williams, and he asked if he could make copies. She notes that ██████████ was there at this time. She adds that she and ██████████ talked to him on a conference call prior to December 18, 2018, and they had told him that they would work together on requests like this to identify if they were allowed to help him with photocopies, based on the District's photocopy policy.

██████████ states that a couple days before December 18, 2018, Director Williams had approached ██████████ about making copies, and she told him they were not allowed to make personal copies. She adds that ██████████ said she would have to run it by Chief Shackelford or ██████████ to see if the copies were acceptable. She states that ██████████ informed her that Director Williams asked ██████████ to make copies of personal documents. She does not know if these were the same documents that he asked her to photocopy on December 18, 2018. She does not know how many pages Director Williams asked ██████████ to copy. She believes ██████████ was also there when Director Williams asked about the copies.

██████████ states that she called Director Williams around 6:30 p.m. on December 18, 2018, to confirm an IT appointment. She notes that at the end of the conversation, he told her that a District ██████████, had asked him to make copies, and he was going to bring the paperwork into the office. She states that Director Williams began to get agitated, and he wanted her to make the copies. He said he did not want to create any problems. She notes that she told him they would not have any problems, and that she would make the copies, as long as they were related to District business. She states that she reminded him about the previous conversation they had that they would work together to ensure that they were complying with Board policies regarding copies. She adds that this was when he started to act rudely, and he said that last week was a problem. She explains that his voice was elevated, agitated, direct, and forceful. She states that this was surprising to her because on the conference call prior to this, he seemed very grateful to know that the staff would do their best to help him. She adds that she documented this event to express how upset he was, and she had the responsibility to report it to Chief Shackelford. This telephone call lasted about five minutes.

██████████ states that when Director Williams started raising his voice on the December 18, 2018 telephone call, it became harder for her to remain calm; she was getting more emotional and scared. She notes that once he became agitated, he started repeating himself. She states that she continued to remind him that they were going to work together, and if they ever had any concerns, then they would work together with Chief Shackelford. She states that he repeatedly told her that, in the future, he was going to ask

her to make copies that were against Board policy, and that he did not want any problems. She notes that the way he was saying it was essentially, "You're going to do what I say, or you're going to have problems." She adds that he said he did not want to inconvenience himself by making copies at another place for 60 cents a page.

██████████ states that when she called Chief Shackelford on December 19, 2018, she felt overwhelming symptoms of anxiety. She notes she could not see the light at the end of the tunnel, and she felt so sick that she could not think about tolerating talking about it to a doctor. She suppressed these feelings, but they resurfaced again when she was talking to one of the managers about Director Williams. She states that after Director Williams implied that he would create problems, he then followed through with that. She explains that during Board meeting minutes following their telephone call on December 18, 2018, Director Williams has continued to bring up this conversation about requesting her to make two photocopies. She notes that she was not at a recent Board meeting, but from what she understands, Director Williams put an item on the agenda about making copies, and made a comment that she should have made the copies for him. She states that the issue here is not the copies, but the fact that he is requesting things that are out of Board policy. She states that it is also against Board policy to talk negatively about an employee in a public setting, and she believes Director Williams has spoken publicly in a negative way about her work performance.

██████████ states that she heard Director Williams "hollering" in the office while he was meeting with Chief Shackelford and President DeMonaco on January 8, 2019. She explains that she was in a meeting in her office with an open door and the Board room door was closed. She notes that she and ██████████ could hear Director Williams' voice getting louder and louder. She states that they heard him open the door, heard his loud voice, and then heard the door to the exit opening and closing. She notes that it sounded like he stormed out because the two doors opened very quickly in succession.

██████████ states that a few months ago, she saw Director Williams parked outside her office, so she had ██████████ walk out of the building with her. She states that when she walked out, he hollered her name in a forceful voice, and then he paused for a second. She notes that he proceeded to ask what her for the District's Wi-Fi password. She adds that he was in the car with his wife. She does not know why he was there at this time, and he ended up being late to the meeting that evening. She notes that during a Board meeting, Director Williams stood up, tossed a folder of papers, walked out with all of his stuff, and left her feeling like, "Is he going to come back with a gun?" ██████████ states that when he stormed out of the Board meeting, the Police Officer was on his cell telephone, so she turned to ██████████ and asked her to have the Police Officer ensure that Director Williams had actually left. She notes that when the Police Officer returned, she asked him to sit outside the door for safety. She adds that the Board members were sitting facing the door, and she could see that their eyes were on the door. She states that she tried to remain as calm and professional as possible. She states that an alarm

on the front door went off, and some employees ran to see who it was. After this meeting, she told her employees that in the future, they should not run toward the door during a tense situation if they do not know who it is.

██████████ explains that she had an anxiety attack during a Board meeting while she was giving a presentation to the Board on June 12, 2019. She adds that she came to work on June 13, 2019, and when she went to the doctor after work that day, the doctor put her on a leave of absence. She explains that she was nervous before the June 12, 2019 Board meeting, and when she took a break from the Board meeting to use the restroom, Director Williams yanked at the restroom doorknob. She explains that her staff came and they took her in another direction away from him. She states that Director Williams is not supposed to walk into their business offices, but he continues to do so. She adds that it could have been coincidental that he was trying to use the restroom at the same time as her, but the staff feels as though he was quietly taunting them. She explains that during the Board meeting, Director Williams was stating that he was not going to follow the rules that the Board has set. She was very concerned for her safety and was afraid to die, which contributed to her anxiety. She is now going to counseling to hopefully return to work. She states that if she does not return to work, then she will lose half her retirement. She is not being paid to be off work right now; she is using her vacation time.

██████████ states that Director Williams has raised his voice in Board meetings. Director Williams once tossed a folder of papers onto a desk at Chief Shackelford, during a Board meeting. She notes that if the papers had not been in a folder, they would have gone everywhere.

██████████ states that Director Williams shows up to the Administrative office unannounced, and he brings up past issues. She notes that she explained to him that she was not aware of a lot of the issues that he was bringing up, but staff would do everything they could to help him succeed. She adds that she asked him to not bring up past issues, and he agreed. She states that when she said she did not have knowledge of his past issues, he said, "Okay, even though I know you'd have to be dumb, deaf, or stupid not to, but I'm not going to say that." She explains that she believed he was not going to taunt or bully her anymore. She notes that these conversations with Director Williams occurred while ██████████ was also in the room.

██████████ states that Director Williams has come into the office looking for her after she has told him that she was not available. She notes that he has come into the office, and gone to the Human Resources Department when he knew that she and ██████████ were not available. She explains that one occasion, he told the Human Resources staff that ██████████ was not returning his phone calls, but she did not have any missed calls from him. She states that Director Williams told ██████████ in the Human Resources Department that she ignored his email and that she probably did not want to talk to him. She describes Director Williams as volatile.

██████████ states that she and the other employees, specifically Chief Shackelford, are in a position where they have no out, and they have to be subjected to Director Williams' behavior. She adds that the District is doing what they can to protect them physically. She explains that the employees felt safe before Director Williams was an elected official because of police presence at Board meetings. She explains the District began hiring Police Officers for this particular reason. She notes that now that Director Williams is an elected official, he has access to the District building.

██████████ **Statement**

██████████ is the ██████████ of ██████████, ██████████. ██████████ attended the February 13, 2019 Board meeting when her ██████████, was named Employee of the Year. She states that she arrived for the Board meeting at the District's Training Center, around 5:30 p.m., on February 13, 2019. She states that she and her family sat on the right side of the room and District employee ██████████ was also present near where she sat. She saw the Directors during the meeting, and she saw Director Williams come to the side of where she was seated near ██████████. Director Williams "was clearly angry, red in the face, and pointing his finger" at a man. She explains that she did not know who the man was at the time, but she heard Director Williams "cussing" and discussing an article. She states that she learned later that the man Director Williams was upset with works for the Chino Champion newspaper.

██████████ states that she felt very uncomfortable seeing Director Williams so upset. She explains that she was sitting in the second seat in the row and Director Williams was in the aisle walkway near her row. She notes that Director Williams said the "F-word," perhaps saying "fucking article," or words similar to that. She states that she tried to tune out what Director Williams was saying, but "he was clearly yelling at the him." She believes she heard Director Williams swear multiple times, and she believed he was "clearly aggravated." She notes that she stayed in her seat and stayed quiet and kept her 4-year-old and 7-year-old nephews from going toward the walkway because "there was clearly an altercation going on." She states that she did not get up and leave, but she turned her back on Director Williams. She notes that her ██████████, was sitting next to her during the verbal altercation.

██████████ states that she has not otherwise interacted with Director Williams and she only saw him on February 13, 2019, as she does not normally attend Board meetings. She notes that she felt "very uncomfortable" by the "altercation" she witnessed, and "it made me not want to go to any Board meetings ever again" because she considers Director Williams to be "unpredictable."

## **IX. DOCUMENTS REVIEWED**

Letter from Jeff S. Ballinger of Best Best & Krieger to Loring “Winn” Williams, with the subject line, “Re: Recent Interaction with Board Secretary re Personal Photocopying,” dated December 26, 2018, reflects notice that Director Williams’ December 18, 2018 request for photocopies related to his retirement dispute with the District is against Board Policy and State law. **[Exhibit 1]**

Chino Valley Independent Fire District Minutes for a Special Meeting of the Board of Directors, dated May 30, 2019, reflects the issues under investigation in the current investigation and retention of this investigator, approved by a 4-1 vote; a notation that Director Williams left the meeting at 5:59 p.m.; a motion for a Resolution of Censure or addendum to prior resolution regarding Director Williams’ “failure to adhere to previous directives adopted by the Board,” approved by a 4-1 vote; the meeting adjourned at 6:40 p.m. **[Exhibit 2]**

Email from [REDACTED] to Tim Shackelford, with the subject, “Director Winn Williams,” dated December 19, 2018, reflects [REDACTED] account of a telephone conversation with Director Williams regarding a request for photocopies. **[Exhibit 28]**

Email from [REDACTED] to Tim Shackelford, with the subject, “Re: FW: Director Winn Williams,” dated December 19, 2018, reflects that Chief Shackelford forwarded [REDACTED] email regarding a telephone conversation with Director Williams to [REDACTED] and asked for [REDACTED] perspective and [REDACTED] reply regarding a discussion he had with Director Williams on December 11, 2018, wherein he had offered to read a document related to Director Williams’ lawsuit, but “never saw it as ‘work related.’” **[Exhibit 29]**

Letter from Director Williams to Tim Shackelford, with the subject line, “Re: Letters from Jeff Ballinger,” dated January 3, 2019, reflects Director Williams’ response to the December 19, 2018, and December 26, 2018 letters from attorney Jeff Ballinger, his opinion that the photocopies he sought were for District business, an allegation that the letters were an attempt to “intimidate and harass” him, and a request that Mr. Ballinger be “immediately replaced” as the District’s General Counsel. **[Exhibit 30]**

Email between Tim Shackelford and [REDACTED], with the subject, “Re: Director Williams,” dated January 17, 2019, reflects that [REDACTED] forwarded an email from [REDACTED] documenting an in-person interaction with Director Williams. **[Exhibit 4]**

Email from [REDACTED] to Tim Shackelford, with the subject, “Winn Williams,” dated January 22, 2019, reflects a summary of an unexpected visit to the office by Director Williams, who “went on a rant.” **[Exhibit 32]**

Email from [REDACTED] to Tim Shackelford, with the subject, "FW: Message from WILLIAMS KYLE," dated January 24, 2019, reflects that [REDACTED] informed the Chief of Director Williams' two telephone calls, with attached voice mails, and an unexpected visit to her office where he expressed frustration. **[Exhibit 33]**

Email from Tim Shackelford to the Board of Directors, with the subject, "Personnel Issue," dated January 28, 2019, reflects that Chief Shackelford informed the Board that a suppression employee had been arrested, and the Human Resources Director was working with General Counsel regarding a likely formal investigation, but it would be inappropriate for him to disclose more information about the arrest details. **[Exhibit 5]**

Agenda titled, "Meetings with Board Members February 2019," written and produced by Tim Shackelford, reflects seven topics for meetings he held independently with each Board Member, including the topic of Workers' Compensation and Personnel Updates. **[Exhibit 6]**

Letter from Board Director Williams to Board Vice President Harvey Luth, with the subject, "Re: Board President John DeMonaco," dated February 4, 2019, alleging that President John DeMonaco acted unilaterally, and without Board approval, to direct attorney Jeff Ballinger to write a letter to Director Williams regarding Williams' request for photocopying, and requesting that Mr. Ballinger be replaced as District Counsel and that President DeMonaco write a letter of apology and refrain from using District resources for Mr. Ballinger's services without full Board approval. **[Exhibit 7]**

Typed notes of [REDACTED], dated February 12, 2019, reflects his notes regarding a February 11, 2019 lunch meeting with himself, [REDACTED], Tim Shackelford, and Winn Williams at BJ's Restaurant. **[Exhibit 8]**

Typed notes of [REDACTED], dated February 12, 2019, with the title, "Notes from lunch meeting with Director Williams on 2/11/19," emailed to this investigator by [REDACTED] on July 9, 2019, reflect [REDACTED] account of a lunch with himself, Chief Shackelford, [REDACTED], and Director Williams. **[Exhibit 35]**

Email from [REDACTED] to Tim Shackelford, with the subject, "RE: Interaction with Director Williams," dated February 12, 2019, reflects that Director Williams' visits to the office are making it difficult for her to complete her duties, as his visits take an unknown amount of time and are unplanned. **[Exhibit 34]**

Chino Valley Independent Fire District, Minutes of a Regular Meeting of the Board of Directors, dated March 13, 2019, reflects that Fire Chief Shackelford reported to the Board a summary regarding three areas of concern related to a February 11, 2019 lunch meeting with Director Williams, and a response from Director Williams of, "It's all lies." The minutes also reflect Director Williams called Chief Shackelford a liar. **[Exhibit 18]**

Chino Valley Independent Fire District, Minutes of a Regular Meeting of the Board of Directors, dated April 10, 2019, reflect public comments made by Kyle Williams regarding the hiring of Fire Chief Shackelford and alleged “rigging” of the process; public comments regarding past actions of Director Williams made by [REDACTED]; discussion about hiring a professional investigator related to Director Williams’ alleged behavior during a February 11, 2019 lunch; a statement by Kyle Williams related to that request; and a vote 3-1 (one absence) to appoint an Ad-hoc committee to engage an independent investigator to address accusations by Director Williams and Chief Shackelford. **[Exhibit 19]**

Email from [REDACTED] to [REDACTED], with the subject, “Director iPad Setup,” dated April 17, 2019, reflects [REDACTED] report that during a 1:30 p.m. meeting that day with Director Williams, Director Williams recorded him, and that he had set up Director Williams’ District email and agenda access. **[Exhibit 9]**

Email from Tim Shackelford to Director Williams, with the subject, “Contact with Staff Members,” dated April 18, 2019, reflects that [REDACTED] had received a voicemail from Director Williams, that [REDACTED] would not be returning the call, and a reminder that Director Williams is not to contact staff directly. **[Exhibit 10]**

Chino Valley Independent Fire District, Minutes of a Regular Meeting of the Board of Directors, dated May 8, 2019, reflects a report from Fire Chief Shackelford regarding an April 17, 2019 meeting with [REDACTED] and Director Williams, and Director Williams’ statement that [REDACTED] had written down a telephone number for Director Williams to call if his iPad did not work at home. **[Exhibit 20]**

Email from Tim Shackelford to Director Williams, copied to John DeMonaco, with the subject, “Visits to Administration/Contacting Staff,” dated May 16, 2019, reflects that Chief Shackelford reminded Director Williams, following a visit to Administration offices on the morning of May 15, 2019, not to come to staff for assistance without first scheduling an appointment through the Chief. **[Exhibit 11]**

Email from Tim Shackelford to Director Williams, copied to John DeMonaco, with the subject, “Coming to Administration without an appointment,” dated May 16, 2019, reflects that Director Williams came to the Administration building asking for Chief Shackelford and left a note for [REDACTED]. Chief Shackelford wrote that the Board had directed the Chief to limit Director Williams’ interactions with staff and that Director Williams needed an appointment before coming to the Administration building, and informing Director Williams that a form for requesting mileage reimbursement is available on the “Google drive.” **[Exhibit 12]**

Handwritten note to [REDACTED], produced by Tim Shackelford, dated May 16, 2019, believed to be authored by Director Winn Williams, reflects that Director Williams had a



document to request reimbursement for charges to his credit card and a request to “find out how I can get paid for my mileage.” **[Exhibit 13]**

Newspaper article titled, “Winn Williams censured for 2<sup>nd</sup> time by Chino Valley Fire District,” dated June 15, 2019, published by the Inland Valley Daily Bulletin by [REDACTED], reflects a summary of Board actions against Director Williams, a photograph of Director Williams watching a luncheon for retiring [REDACTED] from outside as he was not permitted to attend, and a quote from Director Williams during a June 12, 2019 Board meeting stating, “Why don’t you bring a gun here and kill me?” **[Exhibit 14]**

Newspaper article titled, “Fire board member censured for second time,” dated June 15, 2019, published online and a copy of the print version by Champion newspapers, written by [REDACTED], reflects a news report regarding a second censure against Director Williams, and reports that Director Williams said he would not follow a Board requirement that he not visit the District’s administrative building without an appointment. **[Exhibit 15]**

Email from [REDACTED] to All Fire Department Personnel, with the subject, “Interactions with Director Williams,” dated June 13, 2019, reflects four Board directives to Director Williams limiting his interactions with staff and directions for staff regarding Director Williams’ access to the District facilities. The email reflects that Chief Shackelford sent a June 15, 2019 news article regarding Director Williams’ second censure to all staff on June 16, 2019, writing that the news article provides information related to the first email from [REDACTED]. **[Exhibit 16]**

Email from [REDACTED] to this investigator, with the subject, “Williams Documentation.docx,” dated July 31, 2019, reflects that [REDACTED] sent a nine-page document with her notes regarding Director Williams with entries dated from November 14, 2018, to July 10, 2019. **[Exhibit 17]**

Email from this investigator to Director Winn Williams, with the subject, “Chino Valley Fire District (internal investigation),” dated September 10, 2019, and a letter to Director Williams, dated September 10, 2019, reflects two attempts by this investigator to schedule an interview with Director Williams in this investigation. **[Exhibit 31]**

Respectfully submitted,

  
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September 29, 2019