

CONFIDENTIAL CLOSED INVESTIGATION SUMMARY MEMO

Date: July 14, 2023

To: Mayor Nadine Woodward

From: David Moss, Human Resources Director

Subject: - Executive Confidential Summary of Closed Investigation of Mr. Johnnie Perkins – Allegations of Sexual Harassment, Inappropriate Workplace Conduct and Behavior(s).

This is a confidential summary memorandum of the now closed investigation of former City Administrator Mr. Johnnie Perkins. The investigation was closed when Mr. Perkins resigned his employment effectively immediately on July 13, 2023. At the time of Mr. Perkins' resignation, the investigation was still open and pending as I was attempting to interview Mr. Perkins for the investigation. However, Mr. Perkins resigned his employment prior to his interview and offering a statement for the investigation. As a result, the investigation was closed.

The following is an executive confidential summary of the investigation up to the point of its closure:

Part 1: Overview:

On June 12, 2023, I was contacted by Mayor Nadine Woodward regarding concerns brought forward by city employees regarding City Administrator Johnnie Perkins. In her communications, Mayor Woodward requested me to launch an investigation into the allegations of inappropriate conduct and behavior(s) perpetuated against city employees by Mr. Perkins, although there was no official written formal complaint filed. I agreed to conduct the investigation, within the specific scope including:

1. Inappropriate conduct in the workplace as evidenced by:
 - a. Showing a lack of respect for others or, for the workplace,
 - b. Behavior that causes negative employee morale,
 - c. Creating a hostile work environment,
 - d. Inappropriate language in the workplace, or
 - e. Potential Violations of City of Spokane's policies specifically the City's Sexual Harassment *Admin 0620-18-35*.

Part 2: Investigative Process:

A workplace investigation is conducted when there is credible information that there may have been significant wrongdoing, misconduct, or ethical lapses. A workplace investigation may also be appropriate even if there have not been specific allegations against an employee or department, but there have been allegations against others, and the investigation is intended to exclude the possibility that wrongdoing occurred within the organization.

An investigation is, in the first instance, a fact-finding process. Investigations determine, fully and credibly, what happened with respect to a particular incident – whether suspected conduct did or

did not take place; what the circumstances were; who was involved, whether a violation of law or organizational policies occurred.

While the investigation was open I interviewed five (5) Witnesses, four (4) current city employees as referenced in this report as (Witnesses 1, 2, 3, 5) and one (1) ex-city employee referenced as (Witness 4) I also spoke with the current Assistant City Attorney as well as prior City Attorney as a reference point to confirm potential past concerns related to Mr. Perkins that occurred in June of 2021. As noted above, this investigation was closed when Mr. Perkins resigned his position. The evidence gathered in my investigation to the point of its closure is as follows.

Part 3: Finding of Facts Witness Interviews:

1. Witness "1" Interview:

On or around June 21, 2023, I commenced my investigation by interviewing Witness "2", because Witness "1" informed Witness "2" of the conversation she had with Witness "3" about the alleged relationship between Mr. Perkins and Witness "4". Witness "2" did confirm the conversation with Witness "1".

On or around June 21, 2023, I interviewed Witness "1" because Witness "1" was privy to a conversation with Witness "3". Within said conversation, Witness "3" made Witness "1" aware that Mr. Perkins dated Witness "4" prior to her exit from the City of Spokane.

Witness "1" stated that the conversation happened during a car ride home and in that conversation Witness "3" conveyed to Witness "1" that Mr. Perkins admitted to dating Witness "4." I asked Witness "1" why she felt the need to bring the information with respect to Mr. Perkins and Witness "4" dating to the attention of Witness "2," Witness "1" responded with, "If in fact the relationship was true it could be a liability for the City."

2. Witness "2" Interview:

On or around June 21, 2023, I interviewed Witness "2," because Witness "1" informed Witness "2" of the conversation she had with Witness "3" about the alleged relationship between Mr. Perkins and Witness "4." Witness "2" did confirm the conversation with Witness "1" and the information that was disclosed pertaining to Mr. Perkins alleged relationship with Witness "4."

3. Witness "3" Interview:

On or around June 21, 2023, I interviewed Witness "3," I and asked Witness "3" if Witness "1" had briefed her as to why I wanted to talk to her, and she said "yes." I informed Witness "3" of the situation brought to my attention with respect to Mr. Perkins and Witness "4" being in a relationship and explained that Witness "1" stated that you mentioned to her that Mr. Perkins and Witness "4" were dating. I asked her to elaborate on that conversation between her and Mr. Perkins.

Witness "3" stated: "so, what had happened was, it was when we were out one time, and he was trying to let me know he was not dating anyone. I was not sure if I wanted to know because I was hesitant and did not know if I wanted a relationship."

"I kept kind of slowing things down a bit, and I said to him optics are involved and you know working with the community and your position I do not want anything to be seen until I am sure kind of thing, and he was just explaining how he felt about me and that he has not dated around a lot." Witness "3" explained that Mr. Perkins shared his dating history since he has been divorced and who he has dated since he moved to Spokane."

Witness "3" further stated that Mr. Perkins stated he has only dated a couple of people, one of which was someone who formerly worked in his office. Witness "3" stated, "I did not ask who, these are my words, not his words, someone who formerly worked for the city." "I thought he said the mayor's office potentially and said her name was Witness "4", but she no longer works for the city." "I did not ask how long they dated, nor I did not ask for any details, I was just listening."

I: I explained to Witness "3" that I was not aware of Mr. Perkins dating anyone else in the city other than her and told her that it seemed kind of weird that he would not convey that during our conversation with respect to him dating you. I then asked her to elaborate further.

Witness "3" stated: "here is how it worked; I would see him at some of my community meetings." "He was always very friendly, and we would chat." "One day I was headed to meet some friends and because they were mutual friends, I was like hey I am going to a meeting do you want to come with me."

Witness "3" further stated "I knew we would just be watching the game, so it was no big deal because we were friends." She stated prior to meeting my friends, Johnnie texted them and said, "Hey how well do you know Witness "3", " so my friends were thinking the question was in a professional capacity. Johnnie then rattles off, "I know how professional she is professionally; I have seen her work." "I have seen her at community meetings, I mean personally like if she is dating anyone, would she be interested in going out?"

So, when I meet my friends and they ask the question again with respect to me going out with Johnnie, I was like "I do not think that I can! I thought it is unethical based on his position, so it was kind of a moot point."

But then it was asked again by our friends, well if you went out on a double date with my husband and I and you and him and you guys just stayed friends how would you feel about that, and I was like I explained that I would be fine with that, but I do not know if I like him like that! I like him, but I do not know if I like him.

I told Johnnie, that I think it needs to be asked of HR if this is ok like with his position.

It was me who asked that we go to HR, so then when HR told me that it was fine to go on a date, I was a little bit surprised and we what I would call dated briefly and then I felt like you know I'm still not super comfortable so I just told Johnnie I didn't think it was a good idea, I told him that I liked hanging out with him and think he was I think fun, and that I liked it when we have walks at lunch and when he would ask me for counsel on items with respect to the city, like he'll bounce things off of me like hey Witness "3" can I get your input and your ideas on this and I liked that especially coming from my public relations background, but I still didn't want to date him.

I just wanted to be friends and he was very persistent throughout the entire process.

5. Witness "4" Interview:

On or around June 23rd, 2023, I interviewed Witness "4" with respect to the alleged relationship between her and Mr. Perkins and Witness "4" stated that it never happened.

6. Witness "5" Interview:

On or around June 23, 2023, I was informed by Witness "2", that there was another Witness who had been subject to the inappropriate behavior of Mr. Perkins. On or around June 26th, 2023, I interviewed Witness "5" with respect to her concerns pertaining to the behaviors of Mr. Perkins and asked Witness "5" to elaborate.

Witness "5" stated: that she has been subject to Mr. Perkins' inappropriate behaviors for quite some time and that Mr. Perkins' inappropriate behavior was always based on Mr. Perkins' relationship with Witness "3".

Witness "5" stated: that on several occasions she would be pulled away from her workstation by Mr. Perkins, her direct supervisor, because he wanted to discuss his relationship with Witness "3". Witness "5" gave the following example of being pulled away from her duties by Mr. Perkins frequently into his office, taking her away from her workstation, to talk about a text message Witness "3" had sent him, to recap their dates together, or to discuss their future.

Mr. Perkins would discuss these details very loudly with the door open. Mr. Perkins advised Witness "5" that he and Witness "3" had taken a trip to Las Vegas sometime in May 2023 and that he paid for their airfare and that Witness "3" paid for their hotel room. Mr. Perkins canceled many of his meetings at the last minute so that he could move his flight up to an earlier time in order to fly on the same flight with Witness "3" rather than flying later that evening alone.

Upon their return, Mr. Perkins told Witness "5" many details about their weekend in Las Vegas including how many times they had sex, Mr. Perkins' problem with erectile dysfunction, and other intimate details about the trip including the fact that Mr. Perkins told Witness "3" he was falling in love with her, and that Witness "3" had no response to Mr. Perkins statement. Mr. Perkins also made several comments to Witness "5" throughout each day about how "hot" he thought Witness "3" looked. Mr. Perkins also thoroughly detailed that Witness "3" was interested in certain sex acts and that they may take a couples sex class in the future.

Witness "5" further elaborated and continued to explain that according to the conversations she had with Mr. Perkins, even though there were mishaps, the trip continued, and it seemed like the two had a good time together according to Mr. Perkins. Throughout their relationship Mr. Perkins shared with Witness "5" every detail, conversation, and text message unprompted.

Immediately upon their return, Witness "3" quit returning Mr. Perkins texts and phone calls. Because of the lack of communication, this sent Mr. Perkins into a spiral that was noticeable to anyone around him in the office even without knowing the context of what was going on in Mr. Perkins' personal life. Mr. Perkins was easily angered in meetings, unfocused, and let this situation greatly affect his ability to do his job.

Mr. Perkins could not understand why Witness "3" had broken off the relationship and shared that he and Witness "3" made several plans together including trips to San Diego, Broadway shows, etc.

Mr. Perkins also shared that Witness "3" invited him to her late-June birthday party titled "*Down the Rabbit Hole*". This was a two-part event with one being an Alice in Wonderland themed birthday party and the second part having all attendees consuming edible drugs. Mr. Perkins expressed his discomfort with the drug-related activity, especially knowing that Witness "3" had invited other City employees to this party.

According to Witness "5" Mr. Perkins sent Witness "3" a bouquet of flowers trying to reconcile their relationship but Witness "3" did not respond to the advance. Mr. Perkins sent Witness "3" one final text, accepting that the relationship was over, and letting Witness "3" know that he would go ahead and cancel their upcoming San Diego trip. To remain friends, Witness "3" agreed to meet Mr. Perkins to go on a walk and talk.

On this evening walk, Witness "3" told Mr. Perkins that she had not talked to him upon their return from Las Vegas because she was not interested in pursuing the relationship further because the sex did not live up to her expectations.

Mr. Perkins was very accepting of this, lighthearted, and assured Witness "3" that there would be no change in their professional relationship going forward and that he appreciated her honesty.

According to Witness "5" after the relationship concluded, Witness "3" still reached out to Mr. Perkins via email about a past performance review. Witness "5" provided a copy of the email to me that outlined a low score that Witness "3" had received from a previous manager, Witness "3" wanted that PAR to be removed from her employee file and replaced with her latest PAR which was positive.

When HR replied to Witness "3" that this was not the protocol on PAR retention, Witness "3" forwarded the email to Mr. Perkins saying "FYI... I was under the impression that my old PAR that Carly gave me that was super low was being taken out of my employee file."

According to Witness "5", Mr. Perkins was asked by Witness "3" to investigate a police officer that was on administrative leave pending an investigation. Witness "3" said that this was one of her close friends and she wanted Mr. Perkins to "do anything he could to get them not to lay off the officer." (Note: the employee is not a police officer, the employee works within the street department).

Upon investigating, Mr. Perkins discovered that the employee in question was under investigation for rape of a minor. Mr. Perkins told Witness "3" there was nothing he could or should do about this, and Witness "3" still pleaded with him saying that the employee was a "longtime friend and standup guy". Mr. Perkins took no further action.

According to Witness "5", Mr. Perkins discussed the intimate details of the relationship between him and Witness "3" to an extremely inappropriate level and it equated to sexual harassment.

7. Second Interview with Witness "3"

On or around June 27, 2023, I conducted a second interview with Witness "3" based on the information provided by Witness "5". This second interview mainly focused on seeking collaboration of

Witness "5" statement(s) because Witness "5" was not a part of the Las Vegas trip and there would be no way Witness "5" would have such detailed information about both parties unless it was disclosed to her by someone who took part in the trip. Upon this interview it was concluded that:

1. Witness "3" confirmed that Mr. Perkins paid for the airfare, and she paid for the room in Vegas.
2. Witness "3" confirmed that Mr. Perkins did suffer from erectile dysfunction during moments of intimacy while in Las Vegas.
3. Witness "3" confirmed that while her and Mr. Perkins were dating, she did ask Mr. Perkins to investigate a matter pertaining to her friend's employment, but the friend was not a police officer, the friend worked in the streets department. Mr. Perkins did refuse to pursue the matter once he learned of the nature of the employee's case.
4. Witness "3" confirmed that Mr. Perkins and Witness "3" attended a party where edible drugs were present, but Mr. Perkins did not partake in such activities.
5. Witness "3" confirmed that Mr. Perkins and she discussed taking a class relating to sexual proclivities.

8. Concerns of Past behaviors of Mr. Perkins:

During the investigation I learned that this was not Mr. Perkins first incident with respect to pursuing a female in the workplace. In June of 2021, Mr. Perkins was admonished for inappropriately asking a female city employee out on a date. The situation resulted in Mayor Woodward explicitly directing Mr. Perkins that he was not to pursue or try to date any female in the workplace going forward.

9. Investigative Findings:

When investigating a situation of this nature one must look at the credibility of all parties. A standard means of assessing credibility involves reviewing notes, witness statements and documents for inconsistencies, illogical premises, evidence of ulterior motives and past behavior. One must also consider whether witnesses spoke from direct knowledge or spoke based on hearsay or speculation. One must also focus on whether the employee accused violated the organizations policies or values.

One must also determine if company policies has been violated, and come up with the appropriate corrective action of discipline, considering the following factors:

- The severity of the behavior.
- Its effect on the complainant(s).
- The accused past conduct.

It is my opinion, based on the evidence collected at the point that the investigation was closed due to Mr. Perkins immediate resignation, that:

1. There was a direct violation of the City of Spokane's Sexual Harassment Policy Admin 0620-18-35 and based on the allegations.
2. Inappropriate language in the workplace, violating a City policy occurred.
3. A showing of a lack of respect for others or for the workplace, violating City policy occurred.
4. A hostile work environment was created.
5. Behavior that causes negative employee morale was engaged in by City Administrator.

6. Ethics violations occurred.
7. Witness "5" was a credible source because her statements were corroborated by Witness "3" who was in a relationship with Mr. Perkins.
8. Witness "3" was a credible source because she was in a relationship with Mr. Perkins and confirmed the actions of Mr. Perkins in Las Vegas and the relationship.

Note: *This investigation was pending at the time that Mr. Perkins resigned. I did not have an opportunity to receive Mr. Perkins' input or to review any evidence that Mr. Perkins may possess. I closed my investigation immediately when Mr. Perkins resigned. Prior to closure, and prior to notice that Mr. Perkins was represented by counsel, I had contacted Mr. Perkins on several occasions. After Mr. Perkins obtained counsel, there were additional attempts to schedule and conduct his interview and allow Mr. Perkins to participate in the investigation process. Though he had an obligation to participate in the investigation as a City employee, at the point Mr. Perkins resigned his employment and the investigation was closed, Mr. Perkins had not yet done so.*

Regards,

Human Resources Department
City of Spokane

Witness List

Witness "1"
Witness "2"
Witness "3"
Witness "4"
Witness "5"

Written Response and Witness Statement of Mr. Johnnie Perkins to the City of Spokane
Confidential Closed Investigation Summary Memo
July 31, 2023

The following constitutes the written response witness statement of Mr. Johnnie Perkins to the City of Spokane Confidential Closed Investigation Summary Memo ("Memo"), regarding the Executive Confidential Summary of Closed Investigation of Mr. Johnnie Perkins – Allegations of Sexual Harassment, Inappropriate Workplace Conduct and Behavior(s), dated July 14, 2023.

The City of Spokane, and Mr. Perkins, hereby agree and understand that the submission of this written response witness statement by Mr. Perkins will be attached and incorporated to the Memo, and that it fully and finally fulfills Mr. Perkins' request to the City of Spokane for a public name clearing hearing regarding this matter.

Mr. Perkins' response witness statement is as follows:

- a. Mr. Perkins states that prior to dating witness 3, Mr. Perkins sought out and consulted with the City of Spokane HR Director and received permission from the City's HR Department. Mr. Perkins states that he later informed Mayor Woodard that he was dating witness 3, and claims that the Mayor at no time disapproved or discouraged him from dating witness 3. Mr. Perkins states that the Mayor inquired about it in a supporting manner and asked how Mr. Perkins' relationship with witness 3 was going.
- b. Mr. Perkins asserts that witness 3 falsified the allegation that Mr. Perkins had a sexual relationship with witness 4, who is a former City of Spokane employee. Mr. Perkins asserts that at no time did he date, or have a sexual relationship with witness 4.
- c. Mr. Perkins states that after witness 3 ended her relationship with Mr. Perkins, she texted him that she was in a car accident and asked for a ride home.
- d. Mr. Perkins denies that he attended a party with edible drugs. Mr. Perkins further states that the reported party took place on a date after his romantic relationship mutually ended with witness 3. In fact, Mr. Perkins refereed a football game that night.
- e. Mr. Perkins denies sharing any intimate details about his relationship with witness 3 or with anyone at the City of Spokane.
- f. Mr. Perkins asserts that witness 5 previously told him that she wanted witness 4's old job, which witness 5 currently holds. Mr. Perkins states that he told witness 5 that she was not qualified for it nor ready to take on such responsibility.
- g. Mr. Perkins states that the Mayor directed him to discuss with witness 5 her work hours, as witness 5 was late to work on a regular basis. Mr. Perkins further states that he discussed with witness 5 the need to be on time and maintain a schedule that was supportive of the office demands. Mr. Perkins claims that witness 5 took exception to Mr. Perkins' discussion regarding work hours.
- h. Mr. Perkins asserts that witness 3 pleaded multiple times with him to use his influence as City Administrator to intervene in case of a long-time friend of witness 3 who was on suspension from the City with the possibility of losing their job. Mr. Perkins asserts that after he said he would not get involved, witness 3 became upset with him.
- i. Mr. Perkins claims that witness 3 made multiple attempts to persuade and influence Mr. Perkins to use his position as City Administrator to alter witness 3's personnel record to remove an unfavorable PAR and replace it with a more recent favorable employee annual

review. Mr. Perkins states that he refused witness 3's attempts, and that witness 3 became upset with him.

- j. Mr. Perkins asserts that witness 3 made multiple unprofessional comments regarding Mr. Perkins during community meetings, which according to Mr. Perkins included sharing inappropriate information about Mr. Perkins.
- k. Mr. Perkins claims that witness 5 proactively inquired about his relationship with witness 3, and that witness 5 suggested to Mr. Perkins that he send flowers to witness 3. Mr. Perkins further claims that witness 3 and witness 5 talked regularly about Mr. Perkins' schedule and relationship with witness 3.
- l. In 2021, the Mayor did not admonish Mr. Perkins about asking a City employee out for a business-related dinner. Nor did the Mayor direct him not to date a City employee.