

Davis, Wayne

From: Davis, Wayne
Sent: Tuesday, March 24, 2020 4:59 PM
To: 'Schommer, Robert'
Cc: jscholler@fbtlaw.com; Vogelgesang, Mariah; Brown, Matthew
Subject: FW: Sergeant Meyers

Rob,

Please see the email below that is being shared regarding one of your employees at The City of Huber Heights.

Please let me know if I can answer any questions you have.

Wayne S. Davis
City Manager | City of Centerville



From: Compton, Brooks
Sent: Tuesday, March 24, 2020 11:58 AM
To: Davis, Wayne; Vogelgesang, Mariah
Subject: Fw: Sergeant Meyers

Wayne and Mariah:

Forwarding for your information just to let you know that this was received by me and I believe rest of council.

I have not responded yet but will respond advising him that it is not appropriate for us to address this issue with him.

Brooks

Mayor Brooks A. Compton
City of Centerville, Ohio
100 W. Spring Valley Road, Centerville OH 45458
Municipal Office: 937-433-7151 / Cell: 937-604-1753
www.bcompton@centervilleohio.gov

From: Michael Schuder <ems032470@yahoo.com>
Sent: Monday, March 23, 2020 5:33 PM
To: Compton, Brooks
Subject: Sergeant Meyers

Centerville Council Members,

First, I apologize for my earlier knee jerk reaction to the termination of Sgt. James Myers, however as a citizen of the community it greatly concerns me that the City has chosen to terminate the employment of a dedicated public servant. I am offering this letter in hopes that as a citizen I can provide City Council with important and relevant information that I believe is being intentionally withheld by City Manager Davis or the police department.

While I have known Mr. Myers for some time, I was unaware of the details of his discipline until after the City chose to terminate him. In fact, Mr. Myers told me more than once that he was unable to discuss exactly why he was being disciplined or why he was on paid administrative leave for nearly four months. What I have learned since his termination is both concerning to me as a citizen and makes me question the decisions of the City's leadership.

I am aware that Mr. Myers wrote a character letter for a friend, who was also terminated by the City and ultimately was given a five-day suspension for writing that letter. In my opinion, the City Manager overreacted to a letter that could have simply been read and thrown in the trash. I base my opinion on the fact that Mr. Myers did not post the letter to social media, did not publish it to any news outlet, did not allow any other employees to see it and according to Mr. Myers' attorney, merely asserted his First Amendment right to free speech. The letter did no actual harm to the City regardless of what Mr. Davis believes, as no one within the City would have even known about the letter had Mr. Davis' not made it an issue. The letter caused no public scrutiny of the City and to this day, the subsequent discipline that followed has resulted in the only negative press.

It is my understanding that the letter relates to a terminated public works employee, for inappropriate workplace conduct. While I won't get into whether this employee's termination was warranted, what I have heard that happened afterward is even more concerning. The City reportedly paid this employee thousands of taxpayer dollars to go away. If this employee's actions were so inappropriate, then why offer the employee any type of settlement and have the employee sign a non-disclosure agreement? This only covers up the inappropriate conduct and allows the employee to seek future public employment. Based upon my experience, cities only pay employees to go away when they are in the wrong. Furthermore, significant concerns exist about this settlement and I'm sure it will not be favorable to the City.

So, Mr. Myers appeals his unwarranted and unnecessary discipline and the City later offers to reduce his suspension to two-days in order to avoid an appeal hearing. Mr. Myers refuses to accept this offer as his desire to be exonerated meant more to him than the financial penalty. So, the City finally has an appeal hearing in January 2020 after delaying it for months, yet doesn't allow their own personnel appeals board to rule in the first case before terminating Mr. Myers? What I find interesting is that both Mr. Davis and the Chief of Police just couldn't seem to tell the complete truth at the hearing even though they were both under oath. First, the infamous recording clearly proves that the Chief of Police lied about Mr. Myers in order to discipline him for insubordination, as what was alleged is directly refuted by the recording and that is the only reason the recording was ever bought to light. Second, it was questioned how Mr. Myers was able to intervene in the disciplinary matter of an employee who had already been terminated. Both Mr. Davis and the Chief testified that since the employee's termination was under appeal, it was an ongoing City matter.

While this sounds good; it is simply not truthful, as the employee never appealed his termination to the Personnel Appeals Board or filed anything with any court of law. My understanding is that the City caved to a threat of litigation and offered to settle on their own. So, to testify that it was under appeal is untruthful and deceptive to the personnel appeals board members. I am told the transcripts from the hearing accurately reflect the testimony.

Now, I will discuss what I know of the infamous recording that Mr. Davis and others have fought so desperately to keep out of the public eye. While I have not listened to the recording, my understanding is that the recording is nearly three hours long and a variety of topics unfavorable to the City are discussed, to include a former police chief committing theft in office and a current police lieutenant being associated with child pornography, among other things. These are allegations for which Mr. Myers is said to have sought whistleblower protection, causing the former police chief to leave in the middle of the night and retain a criminal defense attorney. Mr. Davis then hires a close personal friend to conduct the investigation. This too seems unethical. Why not hire a detached neutral party? If all of this is true, this shocks my conscious and the public deserves and I demand to know the details of what was alleged, the actions the City took and the outcome.

You may be asking yourself why Mr. Myers even made the recording, keeping in mind, there was no law or city rule in place at the time it was made to prevent him from doing so. With that in mind, I will tell you that he made the recording because he did not trust Mr. Davis after going through an unfair selection process for the chief of police position and after learning how unethically Mr. Davis hired the Assistant City Manager. Ask yourself this question, how can someone know about a public employee being hired two months before the job is even advertised and four months before the City runs a selection process? Then look at who gets hired...someone with close personal ties to Mr. Davis, regardless that this person had NO prior experience in municipal government. I'm sure there were far more qualified candidates in the process.

So, once the City learns about the recording, Mr. Davis and the Chief of Police decide to triple down and start another investigation and somehow now believe Mr. Myers is dishonest for withholding a recording and accessing public records, just to defend himself from a baseless attack by the City. Keep in mind that he was legally allowed to make the recording and he was simply following legal advice to withhold it. Isn't this the reason we have the right to consult with legal counsel? Was Mr. Myers supposed to ignore the advice of his attorney?

Considering all of this started in 2018, I would love to know how much taxpayer money the City has spent on such these ridiculous

cases, just to target a dedicated public servant, who had an exemplary career and who is admired by many in law enforcement and the community. If you don't believe me just look at the comments posted on the Centerville Community page on Facebook this week. Knowing Mr. Myers tenacity and skills as an investigator, I'm sure he has much more information that the citizens would love to know about our City's leadership, and which will hopefully come to light.

Long before Mr. Myers termination, I questioned the City's leadership given fifteen or more senior City employees chose to resign and move onto other cities, most taking lesser paying jobs and giving up seniority. This doesn't pass the smell test, considering Centerville has always had the reputation as being one of the most coveted places to work. City council needs to stop listening to everything Wayne Davis is feeding them and conduct their own investigation. The community will be watching.