

August 5, 2018

To: Keri-Lyn Krafthefer, Attorney at Law

Dear Keri-Lyn:

It's very difficult to do bullet points because the entire Investigation Report is missing the fact that the third complaint clearly states that by the third incident, I clearly realized that all the incidents were intentional, to wit: "What I previously chalked up to as accidental can no longer be viewed that way since it is at least the second time and possibly the third time". The investigating attorneys persisted in viewing each discreet incident in a vacuum despite Bob McCabe talking about the "cumulative effect". It ignores that my last outcry with respect to the cumulative realization was all intentional and ignores the reality that there was physical evidence as only partially recognized by Bob McCabe's reference to my text message and email as physical evidence (see bullet points), It also ignores the other physical evidence as seen in the January 23, 2018 video of me turning my head twice towards Dave Carrabotta at the moment it happened. This was confirmed by the independent testimony of Dawne Hayman, who saw me "flinch" or "twitch" to the point of inquiring of Doriene Prorak if anything was wrong with me. Doriene Prorak was never asked what Dawne Hayman said to her at the January 23<sup>rd</sup> Board Meeting during her Deposition.

While recognizing my text and email were physical evidence, as stated by the attorneys in my deposition transcript, they discount that in their conclusion, and stated that it would be odd to immediately write those things if it did not happen. They fail to call things either physical evidence in the conclusion or corroborated and most importantly, again ignore the outcries of four people who were not only documented, but testified.

The conclusion in the Report on Page 25, 2<sup>nd</sup> paragraph, that there is no evidence to show Dave Carrabotta intentionally touched me, or that I am not convinced the touching was intentional, dismisses the actual evidence as stated *infra*, i.e., four outcries, witnesses, text, email, video tapes, and audio tape. Their claims as support for their notion that I thought it was unintentional because I confronted him, and their attempts to buttress their findings that I felt everything was unintentional were based on their conclusions that I made the decision to meet Dave Carrabotta privately, when, in fact, I was advised by you to do so.

The Formal Complaint clearly states that by the third time, I recognized that all the touchings were intentional. Thus, their findings are premised on not only glaring inconsistencies, omissions, errors, and willful failure to ask certain questions, but deliberately ignoring the real evidence. Furthermore, the investigating attorneys did not order all the deposition transcripts so that:

1. The deponents could be given the opportunity to review; and
2. Given the errors in my transcript, as outlined in the bullet points below, how can the summary of the other deponents be touted to the public as a full, independent and accurate investigation?

## BULLET POINTS

- Jones Deposition Transcript: Page 3, Lines 23 & 24; Page 4, Lines 1 – 5:  
Everyone was given that statement, however the attorneys wrote their conclusions without having the depositions, only their notes. Their opening statement to each witness explains that they feel using a court reporter is the most accurate way to document.
- Jones Deposition Transcript: Page 4, Lines 16 – 24:  
There is no mention of retaliation, despite numerous encouragements to report any retaliation. I sent a letter of complaint to the attorneys, and I further learned of another formal complaint filed by two employees, who overheard hostile comments during a board meeting calling me an “idiot”. In the interest of fairness, completeness and the law, I request that these complaints be included in this Report. Mr. Dennis Martin, who has self-proclaimed himself as Dave Carrabotta’s best friend, has come to every meeting since May of 2017, but only after the May 22<sup>nd</sup> meeting, did he call me an “idiot”, and at subsequent meetings, along with further “cat calling” by him and his friends, which I documented in a specific follow-up letter stating that I felt that I was being retaliated against.
- Jones Deposition Transcript: Page 12, Line 1:  
The court reporter incorrectly stated “back”; it should be “butt”.
- Jones Deposition Transcript: Page 16, Lines 8 – 12;  
This question led to erroneous confusion.
- Jones Deposition Transcript: Page 23, Line 24; Page 24, Lines 1 – 4:  
States no other physical evidence besides the text.

Investigation Report: Page 25 states that there was no other physical evidence other than text leaving out that my statement which was corroborated by the physical evidence in the January 23, 2018 video (I’m turning my head twice and a witness statement from Dawne Hayman stated that I “flinched” or “twitched” while posing) All three incidents are not an accident by the third time.

Additionally, the conclusion that there is no evidence that Dave Carrabotta unintentionally touched me is erroneous. There is evidence that it was intentional by my email of May 19<sup>th</sup> to Laura Morask out crying about the third time stating that I can no longer believe that it was accidental, along with my complaint, my testimony, physical evidence that it happened before (stated above) and my outcry to not only Laura Morask, but to Susan Moylan Krey, Peter Gialamas and Walter Kazmierczak.

- Jones Deposition Transcript: Page 26, Lines 3 – 16:  
I was never allowed to answer the question regarding what effect all of this has had on me.

- Jones Deposition Transcript: Page 27, Lines 15 - 24:  
Clearly Bob McCabe recognizes the importance, i.e., of the cumulative effect and nature, yet the entire Report dismisses it. (See Jones Deposition Transcript, Page 16, Lines 1 – 7; Page 35, Lines 5 – 11).
- Jones Deposition Transcript: Page 29, Lines 2 - 19:  
I stated that the first incident occurred “either when we were receiving awards for TOI, because we received an abundance of awards or when Mary Swanson retired.”

Investigation Report. Page 23, first paragraph under Trustee Kimberly Jones Complaint: The Report erroneously states that “Trustee Jones was never able to pinpoint a specific time, day or event for this allegation.” On Page 27, Lines 5 -7, in my Deposition Transcript, I stated that it was either at the November or December meeting. Additionally, I never stated that it was at the Annual Township Officials of Illinois conference or at an employee retirement gathering.

- Jones Deposition Transcript: Page 38, Lines 4 - 12:  
I stated that immediately after the incident, I told Susan Moylan Krey and Pete Gialamas.

Investigation Report: Page 5, last paragraph, 4<sup>th</sup> line from bottom:  
Susan Moylan Krey was not named in the Report.

- Jones Deposition Transcript: Page 41, Lines 3 – 8; Page 42, Lines 23 & 24; Page 43, Lines 1- 24; Page 44, Lines 1 – 24; and Page 45, Lines 1 - 23:  
Comments by me as to psychological impact omitted in the Report.

Investigation Report: Page 5, 1<sup>st</sup> sentence, states that “the impact at that time was minimal”. The Report omits the negative psychological impact (Page 44, Lines 1-23) as notably corroborated by the attorney stating: “I definitely see lack of respect as a woman”, as well as a recognition by the attorney that Dave Carrabotta was using his position as a power play (Page 44, Lines 11 – 15).

- Jones Deposition Transcript: Page 46, Lines 1 – 6:  
Contradiction to Investigation Report.

Investigation Report: Page 6, 1<sup>st</sup> paragraph is in direct contradiction to Page 46, Lines 1-6 of my Deposition Transcript.

Page 27, Conclusion: Contrary to the conclusion reached by the attorneys, that I, myself, “contemplates the possibility that any touchings were unintentional, which is why she tried to address this matter informally with Trustee Carrabotta initially without filing a formal complaint”, I confronted him based on your advice after reporting that I could no longer believe that it was unintentional (See Page 46, Lines 1-6 of my Deposition Transcript).

- Jones Deposition Transcript: Page 46, Lines 15 – 24; Page 47, Lines 1 - 8:  
This was a two-prong error. (1) In Bob McCabe's description of the audio, he mistakenly stated that it was private with no witnesses, when, in fact, it was public and witnessed as testified by Walter Kazmierczak and Peter Gialamas; and (2) He insisted he watched a video that does not exist and saw people return to the dais.

Investigation Report: Page 19, Audio Tape Summary: The attorney's summary of the audio tape detailed the conversation, however, erroneously states that it occurred in a private office with no witnesses, when, in fact, there were multiple witnesses.

- Jones Deposition Transcript: Page 49, Lines 3 – 22:  
I described in length how I was trying to handle this matter in private, and Carrabotta raced out of the room and subsequent public reaction was captured on the bill pay audio.

Investigation Report: Page 6, paragraph 2: Erroneously omits that the conversation was captured on an audio tape in public and was witnessed by multiple people. This audio tape was public as it was produced after a FOIA was received.

After relating all the contents of the cumulative complaint, I followed your advice and confronted Dave Carrabotta, but he demanded a Closed Session to discipline an employee-me. The over-the-top reaction by Dave Carrabotta for the reason of disciplining an employee (me) fails to be in any part of this Report and such action seems to be, at the very least, corroborative. The entire interaction was publicly witnessed.

In conclusion, please do not take offense at any of the above comments as they were done because of the Report being in direct contrast to my Deposition Transcript. I am unable to attend the Special Board Meeting on August 6<sup>th</sup>, as I believe Laura made it clear to the two Trustees calling the meeting, and I, therefore, feel very strongly that these errors must be made part of the Investigation Report.

Thank you.

Sincerely,

Kimberly Jones