

February 27, 2019

**Investigation of Allegations  
Made by Trustee Eric Dick  
Against Trustee Mike Wolfe**

**Harris County Department of Education**

Report by Harry Jones  
Little Mendelson P.C.  
[www.littler.com](http://www.littler.com)

1. On Friday, January 18, 2019, at 5:12 p.m., HCDE Board attorney Sarah Langlois wrote:

“I am writing on behalf of my client, Harris County Department of Education, to discuss you serving as the investigator for a matter involving sexual harassment allegations raised by an HCDE board member against another HCDE board member, with the scope to also include an investigation into the timing, manner, etc. of the report made by the accusing board member.”

2. We spoke by telephone later that evening. I agreed to lead the investigation immediately.

3. My only prior interactions with HCDE were in 2014 (a review of the Special Schools Division, which was accepted unanimously by the Board) and in 2016 (a speech to staff).

3.1. I did not know any of the HCDE Trustees, including Eric Dick and Mike Wolfe, who appeared to be the main antagonists in this story.

3.2. I did not know HCDE Superintendent James Colbert, who apparently chose me to investigate in consultation with Ms. Langlois.

3.3. I could not identify or detect any conflicts of interest, or even indirect issues, which could cause me to even unintentionally favor Mr. Dick or Mr. Wolfe, anyone else on the Board, or any other person or group in HCDE.

3.4. I am politically independent. I am not a member of any political party; nor have I ever been. I have never run for office.

3.4. Being from Dallas, I have very few ties to Houston, and am not part of any associations in the Houston area. Nobody at or with HCDE is a personal friend.

3.5. I have led over 90 high-level investigations of educational institutions, spread across the United States. These have included a full range of issues (allegations of abuse, corruption, sexual assault, theft, grading irregularities, athlete safety, illicit loan programs, favoritism, racism, molestation, drug rings, suicide, and human trafficking) with a full range of outcomes. I knew I had a purely independent view of this situation.

4. The materials I gained on Monday, January 21, 2019 (Martin Luther King, Jr. Day) were:

- The January 17, 2019 email sent by Mr. Dick to HCDE Executive Director of Human Resources, Natasha Truitt, alleging abuse of power by Mr. Wolfe.
- A copy of HCDE Policies DIA (Legal), (Local), and (Exhibit).
- The most current version of HCDE’s Board Operating Procedures.
- Correspondence from Board President Josh Flynn about the matter.

Subsequently, I requested and received:

- All HCDE email of Messrs. Dick and Wolfe from July 2018 through January 2019.
- The entire file covering the recruitment of a new Board Secretary in July of 2019.

5. On Tuesday morning, January 22, 2019, I met with Superintendent Colbert at HCDE.
  - 5.1. He gave me complete autonomy to investigate any sexual harassment as defined by HCDE Policy DIA (LOCAL).
  - 5.2. I understood I was to be the Superintendent's designee as contemplated by Policy DIA (LOCAL), which describes an investigation as being personal interviews, document review, and a comprehensive analysis of all circumstances, followed by an oral or written report to HCDE of findings on the allegations. This is my report. It has taken more than the ten days contemplated in Policy DIA (LOCAL), but additional time was needed to complete a thorough investigation, and I updated the Board President, the Board Attorney, and the Superintendent on my date of completion.
6. Mr. Colbert clarified my scope was to include all angles of the Dick-Wolfe relationship to the extent it would add understanding to the cause and nature of the allegations against Mr. Wolfe, and stated HCDE wanted and needed to know, to the degree possible, whether the claims were true or false, as well as *why* they had been made at this particular moment, in this way. He said he just wanted to know the truth. He said he was prepared for any factual findings, and took no sides in the matter; but stated *if true*, this type of conduct had no place in HCDE, at all. Therefore, he said he wanted a fair, thorough investigation.
  - 6.1. Superintendent Colbert promised not to steer or interfere in the investigation.
  - 6.2. This was true, completely, throughout. Mr. Colbert stayed out of the inquiry.
  - 6.3. The only document I sought and obtained from Superintendent Colbert was a one-page Board Contact Information sheet. I did not want anyone from HCDE to set up any of my interviews; I prefer autonomy, so that nobody even knows who I am talking to, before I arrive or call them.
7. I began my investigation with Mr. Dick, who explained what led to his January 17, 2019 allegation of sexual harassment by Mr. Wolfe. His post had claimed:

“Recently, I have heard repeated accusations that ... Mike Wolfe ... sexually harassed a woman applying for a job at HCDE. I have been told that Mike ... would only award a job to her if she slept with him.”
8. This is not precisely true. Mr. Dick heard from a woman I will call “Jane Doe” about Mr. Wolfe *asking her out during a job application process*, being affected in his decisions based on whether she would go out with him, and being vindictive when she declined to go out with him, even including trying to prevent her working elsewhere.

As I learned from my conversations with Mr. Dick, and looking at his marketing materials, while Mr. Dick is pleasant and chatty, he is prone to irony and drama.

8.1. Still, if what he said was true, DIA (LEGAL) was implicated, in that *quid pro quo* sexual harassment (explicitly or implicitly making a date or romantic favors the basis for an employment decision) is prohibited.

8.2. Retaliation is also prohibited by HCDE Policy DIA (LOCAL) and federal and state law, which could, in this context, occur if someone in Mr. Wolfe's position refused to hire an applicant, gave her unjustified negative evaluations, or unjustified negative references; and of course, if he defamed the rejected applicant and "blackballed" her.

9. HCDE's policies and posture is to take all steps necessary to prevent sexual harassment, including conducting prompt and effective investigations of complaints, expressing strong disapproval of any conduct that could be considered harassment, and penalizing it appropriately. Taking immediate action upon receiving a report is vital to minimizing HCDE liability. Thus, HCDE should encourage swift reporting of any outcry or allegation.

9.1. The **Timely Reporting** section of Policy DIA (LOCAL) states: "Reports of prohibited conduct shall be made as soon as possible after ... knowledge of the alleged act." The point of that, of course, is if months or years pass by, the ability to investigate the matter is impaired, and correcting or remedying the prohibited conduct becomes futile or impossible if years pass by.

10. Here, Mr. Dick reported what he believed to be prohibited conduct by Mr. Wolfe within *days* of first hearing it, *not* after months or years. Thus, the ability of HCDE to investigate the claims was *not* impaired.

10.1. Earlier, President Flynn had pointed out the timing of Mr. Dick's report:

"We also need to consider the timing of which Mr. Dick heard about these accusations and why he chose to announce the allegations through a public email and not directly to Mr. Colbert or myself. The use of the word "recently" in his email is in direct violation of DIA (LOCAL) which uses the word "immediately". This email appears to be in retaliation for a vote in yesterday's board meeting. As unfortunate as this is, we need to consider the delay in reporting this allegation to the proper authority as an attempt to cover-up Mr. Wolfe's alleged behavior which constitutes a violation HCDE DIA (LEGAL)."

10.2. I *did* consider the timing and the motive. Later, I will discuss Mr. Dick's range of motives for relaying the allegation in the way he did, but first, I will deal with Mr. Flynn's extreme claim that DIA (LOCAL) requires any *non-immediate reports* of sexual harassment or assault to be dismissed or minimized or punished.

Perhaps it is so obvious that it needs not be stated, but this stance would have the unintended effect of discouraging rape victims or those in whom a sexual assault victim had confided from coming forward, if they had (as is often the case) wrestled with whether or not to go public for a week or so.

As a public policy, I am sure every decent person would actually want reports to come quickly, because accuracy of investigation would be improved, but more importantly, we should all want reports of abuse or harassment to come whenever they come, rather than insist on immediacy or nothing.

10.3. Fortunately, the Policy does not take that draconian stance towards victims and their confidants, saying merely “an employee who believes ... that another employee has experienced prohibited conduct should immediately report the alleged acts.” Thus, it is “*should*” rather than “shall” or “must,” and only describes *employee-on-employee* harassment, not failure-to-hire and harassment or retaliation of a non-employee by a Board member. The timeliness of reporting that kind of harassment allegation is actually covered on page 3 of Policy DIA (LOCAL), which speaks of reporting it “as soon as possible” with the context being avoiding impairment of any investigation.

10.4. At most, the “delay” was a few days. While this is not literally “as soon as possible,” Mr. Dick did not “sit” on a story for months or even two weeks. The timing was faster than the vast majority of reports of sexual harassment; this is something I know from being a Board Certified labor and employment lawyer for almost 30 years.

10.5. HCDE should be very careful not to back itself into a “non-immediate reports will be punished” stance; it would create massive liability for an institution which is an *in loco parentis* guardian for some of the most vulnerable residents in the County, and exemplifies a focus on procedural technicalities instead of eradicating harassment.

11. The accusation by Mr. Flynn against Mr. Dick as to an underlying motive of *political* ill will has more credibility. Before I discuss this, I should point out: people often, or even usually, have mixed motives.

11.1. I find Mr. Dick *does* believe Jane Doe’s story, *does* believe Mr. Wolfe sexually harassed and retaliated against Jane Doe, and yet *also* find Mr. Dick was frustrated by Mr. Wolfe’s political stances on terminating a lobbyist contract, abolishing HCDE, favoring Mr. Flynn over Mr. Dick for the presidency of HCDE, and even failing to pay back (or properly disclose) large campaign loans of \$28,000 by Mr. Dick to Mr. Wolfe.

11.2. It was obvious that something had changed recently in the Dick-Wolfe relationship, because as Mr. Dick admitted:

“We’ve been friends a long time! We went to school together. We went to Disneyland together last year, with Chase, another friend, and Mike’s niece. That was in August [2018].”

Mr. Wolfe confirmed the trip, and the general truth of Mr. Dick’s characterization, differing only on how good a friendship they had back in school.

11.3. Friends of that nature do not typically turn this acrimonious without an event that changes their attitudes. The most likely trigger is political, because no “love triangle” or personal affront has been mentioned by anyone: Mr. Dick was angered by Mr. Wolfe’s positions on HCDE, the leadership of HCDE, and the direction of HCDE.

11.4. When I asked Mr. Dick for a possible vote where he and Mr. Wolfe divided, he mentioned HillCo Partners. HCDE did vote recently to end a longstanding contract with HillCo, a lobbyist for HCDE. In watching the debate, it seemed Mr. Colbert opposed ending the contract, arguing lobbying was vital to preserving HCDE; citing bills to *abolish* HCDE. Mr. Flynn appears to have been the key swing vote in the cancellation, arguing that it was incongruous to spend taxpayer money for a lobbyist to lobby against the taxpayer. Mr. Wolfe used a more nakedly partisan reason, explaining “using taxpayer money for lobbyists is against the Republican Party platform in Texas.” Mr. Dick voted to keep the contract, citing the employee fears it would engender employee fear, and was hypocrisy.

However, of all the political issues I heard, the most likely to upset anyone in Mr. Dick’s shoes, in my opinion, was the officer nominations, because a vote on HillCo, two years prior, had already split Messrs. Wolfe and Dick.

11.5. But, clearly, even if Mr. Dick’s motives for revealing what he sincerely believed to be sexual harassment by Mr. Wolfe included some “glee” at discovering misconduct he could exploit politically, ***HCDE can never condone sexual harassment and retaliation of a Board member sitting on a hiring committee, against job applicants.***

12. Mr. Dick should also have reported the story of Jane Doe in a more careful manner: being precise in his description, to make it clear his salacious “job for sex” story did *not* involve any sex, at all; and directing it only to Ms. Truitt, in HR, which would have still resulted in this investigation, but preserved the privacy of those involved, until the end of the inquiry. What would it have looked like if Mr. Dick reported the allegation in a more factual way? This is what he told me:

“I have a friend. She’s in her early 30s. She applied for the position of Board Secretary. Mike, Louis Evans and I were going over resumes. We were the committee. I told Mike and Louis: ‘Full disclosure. She’s my friend.’ We chose seven candidates to interview. She was one of them. She goes over to Chris Daniels’ office. And she says Mike [Wolfe] had her in an office, closed the door, and asked her out on a date.”

He described how Jane Doe agreed to the date, reluctantly, just to get out of the closed office, left the building immediately and then canceled the date by text, as she had planned all along. Mr. Dick said he felt Mr. Wolfe was “mean” in the interview, made harsh comments to Jane Doe, including innuendoes that she slept around to get ahead, and gave her poor grades. Finally, Mr. Dick described a “blackballing” effort by Mr. Wolfe even after she had been rejected by HCDE, whereby Mr. Wolfe used his connections in the Republican Party to sabotage Jane Doe’s subsequent job search. It would have been better if Mr. Dick had kept the story rigidly to those understandings he had from Jane Doe.

12.1. Still, all the “defensive road blocks” put up by Mr. Flynn in his email and subsequent conversations with me should in no way build a false equivalency between the alleged actions of Mr. Wolfe and the alleged actions of Mr. Dick.

12.2. If *all* of it were true, Mr. Dick would merely be “guilty” of exploiting the truth about a political opponent in rather rude way, which is as old as politics itself.

12.3. On the other hand, if it were all true, Mr. Wolfe would be guilty of abusing his office, violating policy and law against quid pro quo sexual harassment against job applicants, and retaliating against the rejected applicant, all of which would expose HCDE to significant risks of an expensive and risky lawsuit, and fall far short of the standards set for Trustees of HCDE.

13. HCDE Board members are supposed to promote the best interests of the Department as a whole, which necessarily requires them to adhere to the ethics of “honor in conduct,” trustworthiness, and integrity of character. Policy BFF (Local).

13.1. This precludes making personal promises or taking private actions that could compromise a Board Member’s responsibilities.

13.2. Furthermore, a public official commits a Class A misdemeanor if, while acting in his official capacity, intentionally subjects an applicant to verbal expressions of a sexual nature, submission to which is made a condition of the job sought. Penal Code 39.03; DIA (LEGAL).

13.3. While no reasonable District Attorney would prosecute Mr. Wolfe for asking an applicant out on a date during the hiring process and being mad enough about her refusal to try to prevent her from getting a job at HCDE or anywhere else he had influence, we should not construct this issue as an imaginary criminal trial. Mr. Wolfe is not “innocent till proven guilty” in an investigation of whether his actions were honorable or met the standards for being a Trustee or exposed HCDE to legal risks.

13.4. HCDE’s Trustees should be aiming at higher ethical goals. A job applicant to HCDE should be entitled to expect not to be asked out on a date by a Board Trustee on the committee in charge of vetting candidates and be free to decline without retaliation. Anything less than that does create the appearance of an abuse of power.

14. How did the job search at issue begin?

14.1. At the end of 2017, HCDE posted a job: Executive Assistant to the Board.

14.2. The initial posting drew 103 applicants.

14.3. However, HCDE Administration was not able to obtain sufficient clarity from then President Louis Evans to proceed with the search.

14.4. The position was posted a second time, and the initial applicants were emailed. Only 45 applicants chose to apply the second time (Ms. Truitt explained to me they “advertised more heavily” the first time).

14.5. Messrs. Dick and Wolfe sat on the committee to evaluate and interview applicants.

14.6. Members of HR ranked the 45 applicants' education, experience, and technical skills, using columns. The process is as objective as is practicable.

14.7. The committee (Messrs. Dick, Wolfe, and Evans) met with Ms. Truitt and Mr. Colbert on June 7, 2018, and provided the tally sheet, replete with detailed rankings. They were to cut 45 to 17, and then finally, after another HR screening, to a group of seven finalists.

Here is the timeline:

Timeline	
5/10/18	Position posted
5/24/18	Posting closed
5/29/18	Screening of applicants
5/30/18	Committee meeting re applicants
6/07/18	Give committee screened resumes
6/19/18	Applicant pod selected
7/11/18	Interviews of seven
7/11/18	Choose top two
7/12/18	Background checks
7/18/18	Interview of two
7/18/18	Choose finalist
7/18/18	Make offer

14.8. Ms. Truitt was taken aback by what the committee did with the detailed tally sheet:

“I was concerned by the process used. Typically, we would take experience, specific to the job, and use it to narrow the field. But this time, each committee member got to select their one or two people.”

She admitted this process resulted in some applicants more experienced being cut, when she would have selected them. “This was the first time it was ever like this,” she told me.

14.9. All the Board members confirm this: Messrs. Dick and Wolfe “got two” of their friends or “hand-picked” committee favorites and they all made the final seven, despite not having being the top seven in the objective criteria. One of Mr. Dick’s “picks” was Jane Doe. One of Mr. Wolfe’s picks was Melissa Smith, the eventual hire. ***Both Ms. Doe and Ms. Smith would not have even made the group of 17 if judged initially on their scores.***

For instance, Ms. Doe is one of only 14 in the 45 without a degree, one of 8 without clerical experience, had the third least “total related experience,” and was one of only two without MS Office skills, but got to the finals. Another of Mr. Wolfe’s picks, Jennifer Tashenberg, had the least clerical experience (none) and least technical knowledge out of the entire group, yet made the final seven.

Mr. Evans says it was “not optimal.” He said: “I’m used to doing it the right way. I’ve managed for 30 years.” What did he think should have happened? “A hiring manual. Training. We all need a refresher on the law.”



15. Even if Board members want their friends to apply for a job they may be qualified for, those applicants should go through the first step of screening “blind” by HR, and not beat out more educated, experienced, and skilled applicants. If the committee had used the platform HR built, and followed the objective criteria, we would not be sitting here, today.

15.1. Mr. Wolfe (who met me at his lawyer’s office, voluntarily) freely admitted:

“We wanted to bring people in who were more friendly – politically and otherwise – to our philosophy; people we could trust. We all had people we wanted to apply for the position. I had two, Eric had two, Louis had one, one was an existing employee, a black lady in her 50s or 60s, and one was from the outside who just had a resume that looked good. She was the no-show.”

Mr. Evans denied having a “personal pick,” but Mr. Wolfe said Mr. Evans’ invitee was a “blonde, young woman from HEB,” who made the top three. Mr. Wolfe said he met the eventual hire, Ms. Smith, a year earlier at the Harris County Republican Primary office.

My impression was that Mr. Wolfe did not even know that what he had just told me was a boon to any decent plaintiff’s attorney who might want to accuse HCDE of deviating from their objective criteria to disfavor and discriminate, and that he was oblivious to the law.

Mr. Evans essentially confirmed my impression:

“Mike is a bit less formal than he should be. I did have to tell him not to ask certain questions. Illegal questions. I don’t think he’s ever held a management position.”

Mr. Flynn flat out told me:

“Michael is a child. He doesn’t even know what he is saying. He may be autistic.”

15.2. In any event, the verbally undisciplined Mr. Wolfe sat on the interview committee.

16. Did Mr. Wolfe know Ms. Doe before the interviews? Yes. They had met four times.

**17. Mr. Wolfe and Ms. Doe meet at the San Jacinto Day Dinner (March 2017):**

17.1. Mr. Dick invited Mr. Wolfe to the San Jacinto Day Dinner in March of 2017, as a guest at Mr. Dick’s table.

17.2. Mr. Dick wanted to set him up with Ms. Doe, who Mr. Wolfe says “looks half-Asian,” after telling Mr. Wolfe for a long time he needed to date an Asian.

17.3. Mr. Dick’s table had prominent local Republicans, including attorney Chris Carmona, a good friend of Ms. Doe.

17.4. Mr. Dick introduced Ms. Doe to Mr. Wolfe, and during the dinner, texted Mr. Wolfe to move to sit by Ms. Doe. Mr Wolfe said it made him angry.

“It ticked me off because Eric told me ‘you need to get an Asian girl’ and then he popped this on me.”

## 18. The Election Watch Party (May 22, 2018):

18.1. Mr. Wolfe was in a close campaign for JP, and the runoff was in May:

“I heard about [Jane Doe] being vicious to me online, the weekend before my runoff. It was a heated race. I was running against a sitting JP. The issues included gay weddings. The social conservatives were upset because it was almost like he was too eager to do these weddings, that he wasn’t required to perform, for money, than do his actual duties. And I heard she was attacking me on social media.”

18.2. He says he never saw the actual posts, and could not tell me what the gist of her political “attack” was. Ms. Doe says: “I did nothing to this guy except for tell everyone he was not qualified for the position of Justice of the Peace, ‘cause he wasn’t. And I don’t regret not being on his side.”

18.3. Thus, he was surprised to see Ms. Doe at his May 22, 2018 election “watch party” at Café Adobe. “What’s she doing here?” he asked himself, and then, Mr. Dick:

“I told Eric: ‘She leaves or I leave,’ after he said he had invited her. Eric took her out of the party room, and defused it. So I just left it alone. At the end of the night, there was only about seven to ten people at the bar,” and after we knew I had lost Eric said he was ‘gonna get really drunk.’ And she came to me and thanked me for letting her be there. I wanted to laugh. She even asked for one of my campaign t-shirts to run in.”

18.4. Mr. Wolfe said he felt Ms. Doe was “possibly flirting” with him. *I find that very unlikely; perhaps delusional, but more likely just a strategy to explain what happened later.*

## 19. Texas GOP Convention (June 2018):

19.1. Mr. Wolfe remembers seeing Ms. Doe in the lobby of the Grand Hyatt Hotel in San Antonio on June 15, 2018, at the state Republican Convention.

19.2. He was waiting for Brent Webster to meet him for lunch when Jane Doe said hello.

“I thought ‘Is she stalking me? What on earth! I stood up. We hugged hello. She said she wanted to make amends for the Facebook posts.”

Mr. Wolfe’s version of this meeting—if sincere—is absurd. Jane Doe and Mr. Wolfe are highly active in the Texas GOP, *both knew at that time she was applying for a job at HCDE*, had met twice already in memorable circumstances, and it would have been more odd if Ms. Doe did not come over and greet Mr. Wolfe, and was seen by him.

I do not find it credible that Ms. Doe was stalking Mr. Wolfe, flirting with him, or in any way interested in him as a romantic partner, no matter how much Mr. Wolfe may have wished. In fact, it is laughable.

19.3. On that day, Mr. Wolfe and Ms. Doe are seen in a photo taken by Mr. Wolfe's friend, with Mr. Webster, on Mr. Webster's phone; Mr. Wolfe does not appear "stalked:"



**20. At the Courthouse (June 28, 2018):**

20.1. *Well after the seven finalists were chosen for interviews, but before the July 11 interviews*, Ms. Doe visited Chris Daniel and Mr. Wolfe at the Harris County District Courthouse. She brought a bag of baked goods. Mr. Wolfe said:

“I was astonished. Oh my! What is going on? I didn't know what to say. So I told Chris Daniel ‘Guess who's here!’ Chris said ‘Bring her in!’ They knew each other.”

20.2. Ms. Doe was also astonished, but for a different reason. She went to the Courthouse because she was still worried Mr. Wolfe was angry at her for opposing him in his race (“I have the treats and I said I just want to have a peace offering”).

Her surprise came, she says, when Mr. Wolfe took her into his office, after she spoke to Mr. Daniel, and closed the door:

“When he closed the door, like it got, that was weird and, and he didn't lock the door but he closed the door and it was just, it was all really, really bad and so, then he asked me to dinner and then I said ‘uh sure’ so I could get out of the room and then I texted him after that and was like ‘no I'm busy, I forgot about these things’ to get out of it.”

\*\*\*

“You can't describe this to people and this is why girls get f---d over because you can't describe what you feel and where, when he shut the door, it wasn't like he shut the door and went to his desk. You know, where it's not like he shut the door and went to his desk, you know like a normal little meeting or something. It was just, you know, it was just weird, it was weird, you know.”

\*\*\*

“He showed me some of his stuff and um and then he was like well what are you doing this, I think it was tomorrow evening or something like that. It was a Friday night and um I’m in this situation. I’m applying for this job, I wanna get the job, you know what I mean and he was like well I’d like to take you to dinner and I was like oh, okay sure ... but then I just like was really uncomfortable.”

20.3. Ms. Doe makes it clear what *her* purposes were, and what Mr. Wolfe knew:

“***He knew I was applying for the job***, and that isn’t okay. Like, he knew I was applying for the job and I was coming there as a peace offering.”

I find, due to the nature of the committee’s search, and how all three members knew who Mr. Dick’s and Mr. Wolfe’s “friend-picks” were that Mr. Wolfe had to have known Ms. Doe was a job applicant when he asked her out. This is in fact, the leverage he was using. He had no real prospect to date Ms. Doe in a normal setting; it was only because of the job she was seeking.

20.4. Jane Doe’s boyfriend was waiting for her in the car. She told him immediately, since he saw her crying.

20.5. She pulled out of the “date” but characterizes it as “super inappropriate” for an elected official to ask an applicant out on a date:

“I texted him and I said that I had to watch my niece on Friday which is actually true, but just got out of the situation, but I should have [said] it’s super inappropriate. And it was not ok, kind of uncomfortable that he did that. It’s just like, I just think like, you know it’s super inappropriate when someone is applying for that position for you to ask them to dinner. I mean that’s just not okay. You know, he’s an elected official, like it’s just not okay.”

20.6. Presumably because he worries Ms. Doe recorded him, Mr. Wolfe admitted to me that he showed Ms. Doe photos in his office and then asked Ms. Doe out. However, he premises the story on this claim: “I did not know at that time [Jane] was applying to be Board Secretary.” **This is simply not credible.** Mr. Wolfe wanted a Board Secretary he could trust; remembers each step of the job application process, how the 45 applicants were culled to 17, and then 7, only days before the Courthouse meeting; remembers Ms. Doe was Mr. Dick’s pick, and remembers each social interaction with Ms. Doe with great detail; but claims he forgot her status as a job applicant with interviews only days away. No.

20.7. **In fact, Mr. Wolfe claims he was afraid to “eat the baked goods.”** He says he took the bag downstairs to the jury room.” He showed me a photograph of this event:



20.7. Mr. Wolfe told me he did not want to even touch the bag, out of fear. Yet, he told me: “The people [he gave it to] were excited.” **This makes absolutely no sense, if he feared poison or some other danger. I wondered who felt it was a good idea for Mr. Wolfe to be on a recruiting committee.**

20.8. The most confusing thing Mr. Wolfe told me (being worried about the safety of cookies, so giving them to others, and photographing their excitement pre-bite) was followed by the most disturbing insult towards Ms. Doe by Mr. Wolfe: “I’ve been told that’s her M.O. Her reputation is she sleeps with guys to pay her rent.” When I pressed Mr. Wolfe to name someone who told him that, he claimed not to remember. My impression is merely that he remains extremely angry at Ms. Doe for turning him down.

21. **My hunch and Ms. Doe’s fears were correct.** Mr. Wolfe *has* tried to sabotage Ms. Doe.

Jeff Yates, Executive Director of the Harris County Republican Party, told me Mr. Wolfe “blackballed” Ms. Doe when she was applying for a job with state congressman Dennis Paul:

“I know [Jane Doe]. I run campaigns. We were looking for campaign manager. I had an established State Representative, Dennis Paul. My employee and I met with the young woman. She was absolutely a finalist. Not the final two. Top five. I’ve known Michael for 15 years, in Republican circles. He called me and said ‘You do not need to hire her.’ This was July or August of last year. He definitely called me and said that. Unsolicited. Came out of nowhere. He didn’t have a good impression of her. If she had made the final two, I would’ve asked more details.”

21.1. This is wholly unacceptable, and cannot be minimized with the Flynn approach (“he is a child” or “he’s probably autistic”). Mr. Wolfe has told me, even in the context of an investigation (in the presence of his own lawyer) that Ms. Doe sleeps around to pay her rent, **without any factual basis**, and is trying to ruin Ms. Doe’s career in her chosen party.

21.2. Ms. Doe is *not* seeking to sue HCDE, nor does she even want to receive an apology. What Ms. Doe wants is to move on, and be free to pursue employment within the Harris County or Texas Republican “orbit” without fear of Mr. Wolfe and his allies spreading Mr. Wolfe’s brand of disparagement. It was Mr. Wolfe who brought this whole investigation on, with his attempts to cost Ms. Doe a job; Ms. Doe had moved on, but one can understand why she would draw a line at a concerted effort to cut her out of GOP jobs. As Ms. Doe said:

21.3. **HCDE has a strong interest in stopping Mr. Wolfe from spreading baseless rumors, and ceasing any efforts to harm Ms. Doe’s career.**

## 22. The Interview:

There are many facts which create risk for HCDE and fall short of HCDE standards (allowing such a poor communicator--unable or unwilling to observe basic interviewing skills--like Mr. Wolfe to serve on a recruiting committee, the way the committee ran roughshod over the process set up by HR, picking favorites, Mr. Wolfe asking Ms. Doe out on a date right before the interviews, disparaging her, and trying to hurt her job hunt), but one good point for HCDE on the risk meter is that everyone on the committee agrees Ms. Doe was not even close to the best candidate among the final seven.

22.1. This mitigates risk because the worst *quid pro quo* cases are ones in which the *best* applicant who *should* have got the job, does *not* because of her refusal to go on a date with the person in power.

22.2. Here, we have an applicant who should not have even been in the final seven, who turned Mr. Wolfe down, and that might have ended it, except for his efforts to smear her.

Ms. Doe’s take on her interview was that it was affected by her turning Mr. Wolfe down:

“That man does not like me, for sure, he hates, like he hated me. He was trying to kick me out. It’s just weird. He’s very temperamental. It’s weird. It’s weird and it’s super uncomfortable. To me I think it’s very weird for an elected official to ask someone out currently, ‘cause he saw my name on the list. I had already made it through the first cut and stuff. He already know that I was applying for the job.”

22.3. One of the worst facts for Mr. Wolfe, but not necessarily for HCDE, is that *after* the interviews, but *before* he called Mr. Yates to sabotage her job search, **Mr. Wolfe texted Ms. Doe to ask her out again. She said she was busy.**

23. Any category of claim has an “error rate,” either because a percentage of accusers lie for monetary, political, or psychological rewards, but in this matter, Ms. Doe is the most reluctant of witnesses, who merely told a friend, who ended up telling the world. We can fault Mr. Dick for how he disclosed what happened, and why, but it is difficult to find any motive for Ms. Doe to make up a story, and in any event, **the facts are actually for the most undisputed**, except for Mr. Wolfe’s non-credible denial that he knew Ms. Doe was in the group of seven finalists.

## FINDINGS AND RECOMMENDATIONS

1. Knowing Ms. Doe was seeking a job with HCDE, Mr. Wolfe asked Ms. Doe out on a date after closing the door to his office. She accepted just to leave the office, went down to her boyfriend in the car, cried, and immediately declined, telling Mr. Wolfe she was busy.
2. Mr. Wolfe asked Ms. Doe out again, after the interviews, during which—and this is not clear—he was perceived as harsh to her. She declined.
3. Mr. Wolfe told a decision-maker for a prospective employer, Jeff Yates, connected to him politically not to hire Ms. Doe.
4. Mr. Wolfe made a baseless claim that Ms. Doe sleeps around to pay her rent, during this investigation. When challenged to give a basis for this disparagement, he was unable to do so. He also makes non-credible claims of Ms. Doe “stalking” him.
5. Ms. Doe is not seeking money or fame; she is a reluctant witness, who wants only for Mr. Wolfe to cease and desist from interfering with her career.
6. In addition to being unwise, putting his own interests ahead of HCDE’s, and exposing HCDE to risk of a lawsuit, Mr. Wolfe’s actions described in Findings 1-5 (and the description in this Report) violate Board Policy BBF (LOCAL), the principles underpinning the Board, Policy DIA (LEGAL), Policy DIA (LOCAL), and the common law governing defamation.
7. Mr. Wolfe’s conduct during the process, and thereafter, brings the Department into disrepute. He has made highly disparaging statements about Ms. Doe’s reputation without a shred of knowledge, and tried to sabotage her job hunt elsewhere, whilst even trying one last time to ask her out (after she was rejected by a committee he sat on). For all these things, he should be censured.
8. Mr. Dick should have relayed the claims of Ms. Doe to HCDE’s HR Department as soon as he was able, and in a completely confidential way; however, reports do not need to be “immediate” or motivated only by pure goals. Mr. Dick can and should do better, but it is unlikely this exact scenario will play out again. Still, I recommend Mr. Dick not serve on any committee with Mr. Wolfe. It would be a recipe for disaster, as this feud is long from being over.
9. The process of hiring the Executive Assistant was tainted by Messrs. Dick and Wolfe. Transparency was sacrificed in the cause of political cronyism. The testing/ranking process was turned into a sham. The way Messrs. Dick and Wolfe, in particular, pushed their less-qualified friends and allies into running for the job of Board Secretary opened HCDE up to charges of favoritism and bias, caused employees to lose faith, and rendered the process arbitrary.
10. Mr. Wolfe should not do interviews or recruiting for HCDE any longer, and should be removed from any committee which does this. Further, Mr. Wolfe should have to complete training in effective communications, as a condition of his trusteeship, and to pass the training, should be able to demonstrate awareness of legal risks from his communications.